

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
2009 ANNUAL REPORT



ST. LOUIS ▪ CAPE GIRARDEAU ▪ HANNIBAL

SERVING THE PUBLIC, THE BENCH,
AND THE BAR IN 2009

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2009 ANNUAL REPORT

THIS REPORT WAS PREPARED BY THE OFFICE OF THE CLERK
UNITED STATES DISTRICT COURT – EASTERN DISTRICT OF MISSOURI
THOMAS F. EAGLETON COURTHOUSE
111 S. 10TH STREET, SUITE 3.300
ST. LOUIS, MISSOURI 63102
PHONE: (314) 244-7900
WWW.MOED.USCOURTS.GOV

COURTHOUSES OF THE EASTERN DISTRICT OF MISSOURI



THOMAS F. EAGLETON U.S. COURTHOUSE
ST. LOUIS, MISSOURI
EASTERN DIVISION



RUSH HUDSON LIMBAUGH SR. U.S. COURTHOUSE
CAPE GIRARDEAU, MISSOURI
SOUTHEASTERN DIVISION



HANNIBAL FEDERAL BUILDING AND U.S. COURTHOUSE
HANNIBAL, MISSOURI
NORTHERN DIVISION

THE JUDGES OF THE EASTERN DISTRICT OF MISSOURI



U.S. DISTRICT JUDGES CATHERINE D. PERRY – CHIEF JUDGE

JEAN C. HAMILTON
CAROL E. JACKSON
CHARLES A. SHAW
RODNEY W. SIPPEL
HENRY E. AUTREY
STEPHEN N. LIMBAUGH JR.

SENIOR JUDGES

EDWARD L. FILIPPINE
DONALD J. STOHR
E. RICHARD WEBBER

U.S. MAGISTRATE JUDGES MARY ANN L. MEDLER – CHIEF MAGISTRATE JUDGE

DAVID D. NOCE
FREDERICK R. BUCKLES
LEWIS M. BLANTON
TERRY I. ADELMAN
THOMAS C. MUMMERT III
AUDREY G. FLEISSIG

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A MESSAGE FROM THE CHIEF JUDGE THE HONORABLE CATHERINE D. PERRY

My term as Chief Judge began on June 11, 2009. In these first few months, I have realized both that I have a great deal to learn and that I have a great deal to be thankful for. Our court ends the first decade of this century with no major problems and no major projects on the near horizon. The year 2009 saw the transition to senior status of two of our judges, Judge Richard Webber and Judge Charles Shaw, both of whom have distinguished judicial careers. We are very grateful to them and to our other senior judge, Judge Donald Stohr, as all three continue both to carry caseloads and to help in the administration of the court.

Our court was indeed a busy place in 2009, as the work described in this annual report shows. Civil trials increased twenty-five percent, while felony criminal filings were up over nine percent from 2008. In addition to our regular work, the court managed complex litigation transferred to this district by the Judicial Panel on Multidistrict Litigation involving over five hundred transfer cases. The assignment of so many multidistrict cases reflects the high regard in which our court is held by other judges in the federal system, both for the quality of judging and for the competence of our administrative staff.

In 2009, we continued our commitment to educating the public about the judicial branch of government. In February the Judicial Learning Center opened, and it has been visited by many citizens. We are especially pleased to have had over fifty school groups visit the learning center during the year, and hope to increase that number in the future. To that end, we began a series of Teacher Days during the summer months. We invited teachers from around the metropolitan area to visit the courthouse and the learning center and see firsthand the types of tours and learning opportunities we can provide for their students. There is no doubt that citizens' opinions of the justice system are influenced by their level of information and understanding. Courts in this country do not function in secret or behind closed doors, yet too many people perceive the administration of justice as mysterious. We hope to continue our efforts to dispel some of that mystery, and believe that doing so may lead to a healthier citizen perspective that is based on fact rather than fiction.

While I am still learning what is expected of me as Chief Judge, the experience thus far has broadened my own perspective about the importance of the work this court performs in service to the public. Our judges and court staff are a dedicated group of professionals who strive always to serve the public and see that the justice system functions fairly, as envisioned by the founders of our country. It is an honor to have this opportunity to lead such a capable district court team.

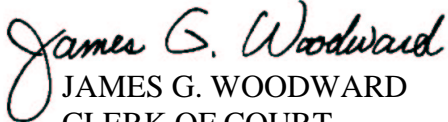

CATHERINE D. PERRY
CHIEF UNITED STATES DISTRICT JUDGE

A MESSAGE FROM THE CLERK OF COURT JAMES G. WOODWARD

Most people looking back on 2009 will likely remember it for the turmoil in the national economy, the historic inauguration of the first African-American as President of the United States and a contentious debate over health care reform. As time passes, the nation's perspective concerning these important events will surely evolve, but they will not soon be forgotten. There will certainly be an enduring legacy to 2009, though it is too soon to know what has changed permanently and what will prove to be fleeting. When I reflect on the significant but less dramatic events of 2009 that happened closer to my professional home at the Thomas F. Eagleton Courthouse, I am reminded that the district court is an amazingly stable institution but it too is touched by circumstances that affect the larger United States. A fragile economy, for instance, tends to spark increases in some types of civil and criminal litigation in the court. The burden of a rising federal deficit can impact Congress's willingness to fund district court operations, and a new president will be selecting judges who will serve in this district for decades to come.

While I respect the fundamental stability of our judicial branch of government, there is a concomitant need for public institutions like courts to adapt to change and sometimes to lead change. Even if new conditions do not compel a response, they nevertheless create opportunities to change direction or re-evaluate practices that may have become stale. When I consider how we met our challenges in 2009, I am satisfied that the district court employed a good balance between maintaining essential stability and also promoting progress with our services and programs. In the words of Henry David Thoreau, "*To affect the quality of the day, that is the highest of arts.*" This 2009 annual report reflects the efforts of dedicated judges and staff to rise to that challenge for the benefit of the communities the court is privileged to serve.

The judicial workload continued to grow in 2009, but the court was able to keep pace by resolving civil and criminal cases expeditiously. In fact, our disposition of civil cases was significantly faster than the national median time to disposition. This court also maintained one of the best records in the federal judiciary for juror utilization in 2009, a clear indication that judges value the contribution that citizens make to the judicial process. It is encouraging to observe that in this district the reach of justice goes beyond deciding winners and losers in the courtroom. Justice also takes the form of a successful court-sponsored offender re-entry program for those who struggle with drug addiction, and community outreach events at the courthouse that provide students with first-hand learning experiences inside the justice system. Technological advances continue to transform court operations, in support of our commitment to better public service. In these and other ways illustrated in this report, we strive to affect the quality of each day.


JAMES G. WOODWARD
CLERK OF COURT



THE JUDICIAL LEARNING CENTER

DEDICATION CEREMONY OF THE JUDICIAL LEARNING CENTER

The Judicial Learning Center (JLC) in the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri officially opened its doors to the public on February 3, 2009. The JLC is a project jointly sponsored by the federal courts of the Eighth Circuit and St. Louis lawyers serving on the board of directors of the not-for-profit corporation, the Judicial Learning Center, that raised funds to support the mission of the JLC. It is the primary mission of the JLC to inform visitors about the role of the judicial branch of government and the importance of an independent judiciary. This mission is achieved through the use of high-quality exhibits, interactive displays, and colorful illustrations that provide an engaging narrative about the work of the federal courts and the structure of the judicial branch of government. The JLC is the only facility of its kind in a United States Courthouse.

While the exhibits in the JLC appeal to the interests of the general public, student visitors are especially inclined to value the visual depiction of court operations and unique facts about the justice system that they otherwise may not have been exposed to in the classroom. For instance, one of the interactive displays allows the visitor to experience what it is like to serve as a juror or a judge in a federal case. The JLC plays a significant role in creating greater public awareness and understanding of the judiciary.



U.S. District Judge Catherine D. Perry and Justice Sandra Day O'Connor share a laugh with some young admirers.

Retired U.S. Supreme Court Associate Justice Sandra Day O'Connor was in St. Louis to celebrate the opening of the JLC at the dedication ceremony on February 25, 2009. During her career, Justice O'Connor has always stressed the importance of civics education for young people, enabling them to become knowledgeable civic participants. Justice O'Connor praised the JLC for its commitment to this ideal and for providing educators the necessary resources to teach future generations the value of informed civic engagement and leadership.



Justice Sandra Day O'Connor and Senior U.S. District Judge Edward L. Filippine cut the ribbon at the Dedication Ceremony of the Judicial Learning Center. U.S. District Judge Catherine D. Perry (right) and Clerk of Court Jim Woodward (left) are also present for the ribbon-cutting.

INAUGURAL DANFORTH-EAGLETON LECTURE

The Honorable Sandra Day O'Connor, Retired U.S. Supreme Court Associate Justice, was the keynote speaker at the Inaugural Danforth-Eagleton Lecture hosted by the Bar Association of Metropolitan St. Louis (BAMSL) at the Hilton St. Louis at the Ballpark on February 25, 2009. Justice O'Connor's speech before a crowd of legal professionals focused on the importance of reaching and energizing young people in the area of civics education. Justice O'Connor remarked that an alarming number of Americans, young and old alike, do not understand the structure and operation of the judicial branch of government. Justice O'Connor's new mission is to see this disturbing trend reversed for the continued prosperity of future generations.



Since her retirement from the United States Supreme Court, Justice O'Connor devotes her time working with young people and educators in order to elevate enthusiasm and improve civics curriculum. One way Justice O'Connor has decided to reach young people is through the internet. Justice O'Connor, along with members of Georgetown University Law Center and Arizona State University, launched a free interactive website in February 2009 that is specifically designed to teach and engage students in the areas of government, politics, and citizenship. The *Our Courts* project challenges students through competition, self-directed learning, and critical thinking, using interactive games and tools in a web-based format.

BEFORE THERE WAS THE EAGLETON COURTHOUSE... DISPLAY

When the future site of the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri was selected in 1994, an archaeological survey of the area was conducted to unearth remaining artifacts before the start of construction. The items recovered as a result of the survey are now showcased in a permanent display located in the Jury Assembly Room of the courthouse. The display was completed in September 2009. Alongside the artifacts on display is a booklet and video that assist in describing the history of the city blocks upon which the Thomas F. Eagleton Courthouse was built.



The completed display located in the Jury Assembly Room.

The artifacts recovered from the survey date from the 1830s to approximately 1900. Artifacts excavated from the construction site include dinnerware, bottles, and coins, dating to the mid-nineteenth century. The artifacts reflect in part the culture present in St. Louis during the Antebellum and Victorian Eras. The courthouse was located on what was designated in the

city as Block 205. Block 205 extended from Tenth to Eleventh Street and from Clark Avenue to Market Street. Block 205 featured an economic and ethnic mix of residents. With limited transportation available, residents often lived in close proximity to their place of employment.¹As transportation became more readily accessible by the late nineteenth century, the block saw many of the single-family homes disappear in favor of commercial developments. Tenements and shanties were removed due to increased health concerns after the cholera epidemic in 1849.² By the late nineteenth century, tenements were being replaced by commercial enterprises and only trace remnants remained of the old neighborhood³.

COURT INFORMATION KIOSK

In order to facilitate navigation around the Thomas F. Eagleton Courthouse for visitors, three interactive information kiosks were installed in June 2009. Two of the kiosks are wall mounted adjacent to the building directories on the first floor of the courthouse just beyond the security desk. The third kiosk is a free-standing model located on the third floor just outside the entrance to the Clerk's Office.

All three kiosks provide visitors to the Thomas F. Eagleton Courthouse with personnel directories, court proceeding information, as well as general information regarding the Eagleton Courthouse through a touch-screen display. Each self-service kiosk provides among other features a "way finding" application that supplies step-by-step directions from a visitor's current location to the destination. From the time of their installation in the summer of 2009, the kiosks in the courthouse have been used frequently by visitors. By the close of 2009, each kiosk in the courthouse had recorded at least 1,000 hits. This technology provides another means for making the Eagleton Courthouse in St. Louis, Missouri user-friendly.



Free-Standing Model

¹ Naglich, D. (1999, Summer). St. Louis Cross Section: History and Archaeology on the Eagleton Courthouse Block. *Gateway Heritage*, 20(1), 38-45.

² Naglich, D. (1999, Summer). St. Louis Cross Section: History and Archaeology on the Eagleton Courthouse Block. *Gateway Heritage*, 20(1), 38-45.

³ Naglich, D. (1999, Summer). St. Louis Cross Section: History and Archaeology on the Eagleton Courthouse Block. *Gateway Heritage*, 20(1), 38-45.



E-PRO SE

- Forms are complete, neat, and easy to read.

FEATURES OF E-PRO SE

E-Pro Se (Electronic Document Preparation for Self-Represented Litigants) is a user-friendly, interactive web application developed by the United States District Court for the Eastern District of Missouri. E-Pro Se permits self-represented litigants (Pro Se) to prepare court documents and forms electronically. The E-Pro Se program gathers necessary information through an on-line exchange with the litigant and then uses the information provided by the user to create documents that may be filed with the District Court. All forms are printed legibly in a document format organized to provide the court with essential information about the type of claim the filer intends to present for resolution. Self-represented litigants are able to use E-Pro Se to create documents required for Social Security, employment, and civil rights complaints.

With E-Pro Se, a litigant can easily create a pleading that meets the requirements of the court by answering a series of automated prompts or questions, reducing the repetitiveness of completing forms by hand. The program immediately collects and stores the information and data that has been entered, decreasing the likelihood of misplaced paperwork. At the end of each program, the litigant is able to print documents that are legible and consistent with the format required of standard legal documents. Listed below are some of the benefits of utilizing E-Pro Se:

- Saves self-represented litigants and the Court time.
- Documents have the format of standard legal filings.
- No more lost paperwork.
- No need for the repetitive handwriting of forms.

Training on the use of E-Pro Se is provided by the Clerk's Office staff located on the third floor of the Thomas F. Eagleton Courthouse. E-Pro Se became available to the public at the courthouse in the fall of 2008. E-Pro Se became available via the court's website (www.moed.uscourts.gov/prose/EProSe.html) in November 2009.

EXPANSION OF E-PRO SE SERVICES

The Eastern District of Missouri served as the pilot court for the E-Pro Se project in 2008. Now fully operational, the Clerk's Office in St. Louis hosted two training sessions for selected personnel from eight U.S. District Courts. The training focused on customizing the E-Pro Se program to fit each court's specific set of circumstances. During the instruction, the Eastern District of Missouri was able to discuss its experience with the development of its software. Additional training sessions are planned for 2010.

RESULTS OF JUROR SURVEYS

JURY SERVICE EVALUATION

Beginning July 1, 2009 to December 31, 2009, jurors who reported for jury selection were asked to complete a brief, confidential survey following their jury service. The surveys were designed to identify jurors' opinions on the different elements of jury service in the Eastern District of Missouri. Since 2006, the court has been requesting that jurors take the time to comment on their recent experience. The court reviews each survey and considers ways to address juror concerns. The survey responses assist the court in improving citizens' satisfaction with the juror experience. *Table 1* below displays the results of the survey.

Jury Service Aspects	Rating Scale					
	Excellent	Good	Satisfactory	Fair	Poor	Not Rated
Information provided	60.8%	31.0%	4.6%	1.3%	0.3%	2.1%
Initial orientation	61.4%	31.6%	4.1%	0.4%	0.0%	2.5%
Treatment by court personnel	81.4%	15.0%	1.6%	0.1%	0.0%	1.9%
Physical comforts	62.7%	29.3%	4.5%	0.4%	0.6%	2.5%
Parking facilities	41.7%	40.6%	9.5%	2.6%	0.5%	5.1%
Scheduling your time	44.7%	39.0%	10.6%	2.1%	0.5%	3.1%
Automated phone notification	58.4%	29.0%	5.0%	1.9%	0.9%	4.9%
Term of service	34.7%	34.0%	19.4%	4.4%	1.6%	6.0%



The surveys distributed to jurors after the completion of their jury service were organized in the following categories:

- Jurors who did not participate in the selection process
- Jurors who completed voir dire, but were not selected for service
- Jurors who completed voir dire and were selected to serve on a panel, deliberated, and returned a verdict

Between July 1 and December 31, there were 801 jurors (including all divisions) who completed the survey. The number of jurors who completed surveys decreased 36.2 percent from 2008 to 2009 (1256 v. 801). Of the 801 completed juror surveys, 530 jurors completed voir dire, but were not selected for service, 204 jurors completed voir dire and were selected to serve on a panel, and only 67 jurors did not participate in the selection process.

The jury service questionnaire is divided into six sections including a comments section. The first part of the survey asked jurors to rate eight different aspects of jury service. The percentages displayed in *Table 1 (Refer to pg. 3)* reflect an overall high degree of juror satisfaction with the listed elements of jury service.

In the second part of the survey, jurors were asked if their impression of jury service had changed after their experience at the Eastern District of Missouri. The responses from the survey indicated that 71.4 percent of jurors found the experience more favorable than first expected, while 24.6 percent specified no change in their impression.

The third section of the survey asked if the jurors had requested to be excused or deferred from service. The survey results indicated that 10.6 percent of jurors asked to be deferred or excused, while 85.6 percent did not. The percent of jurors who asked to be excused or deferred decreased 2.1 percent from 2008 to 2009 (12.7% v. 10.6%). The fourth section of the survey asked jurors to select their age group from six possible categories. Survey results indicated the following percent of age groups represented in the 2009 surveys:

Ages 18-24	5.5%
Ages 25-34	16.1%
Ages 35-44	17.0%
Ages 45-54	26.6%
Ages 55-64	24.2%
Ages 65-over	8.5%
Not Rated	2.1%

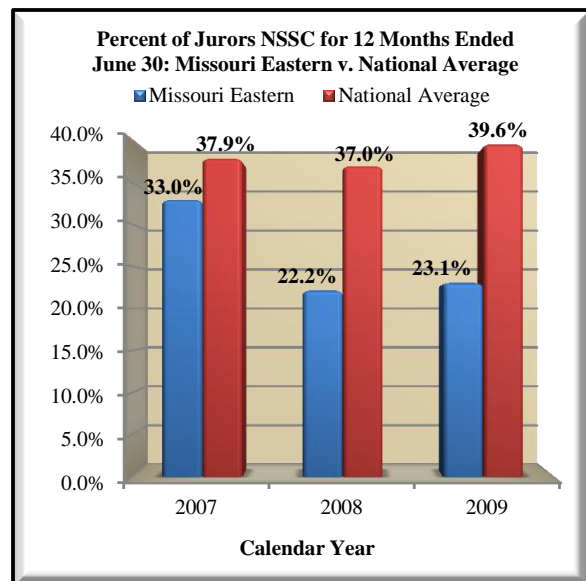
The fifth section of the survey asked jurors to identify their gender. Of the 801 jurors who completed the survey, 48.8 percent were women, 42.5 percent were men, and 8.7 percent did not identify their gender.

The final section of the survey gave jurors the opportunity to make comments regarding the jury service experience. Of the 801 completed surveys, 129 jurors (16.1 percent) replied to the comments section at the end of the survey. The majority of the comments were compliments directed towards the experience itself, court personnel, or the presiding judge at the trial. Issues described in the comments section are reviewed by court personnel for possible modifications to current practices and procedures.

JUROR UTILIZATION

JUROR UTILIZATION REPORT

The Eastern District of Missouri closely monitors the effectiveness of its juror utilization practices. Effective juror utilization, as defined by the Judicial Conference of the United States, is thirty percent or less of jurors not selected, serving, or challenged (NSSC) on the first day of service. Since adopting its juror utilization policy in 1993, the court has traditionally performed better than both the national average and the Judicial Conference goal.

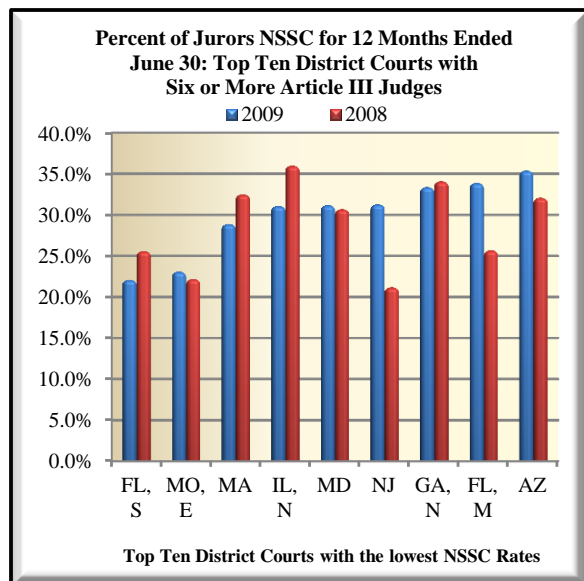


Within each calendar year, the Administrative Office (AO) of the United States Courts reports the NSSC rates for the twelve months ended June 30, 2009 and December 31, 2009. The national average for the year ended June 30, 2009 was 39.6 percent, which is a 2.6 percent increase from the year ended June 30, 2008.



During this period, 23.1 percent of jurors reporting for duty in the Eastern District of Missouri were NSSC after their first day of service, compared to 22.2 percent for the year ended June 30, 2008. The NSSC statistic is calculated for each court by combining the percentage of prospective jurors who did not participate in voir dire and the percentage in voir dire that were neither selected nor challenged on the first day of service. In the reporting period described above, the Eastern District of Missouri performed better than the national average by 16.5 percent and exceeded the Judicial Conference goal by almost 7 percent.

In comparison to other district courts, the Eastern District of Missouri performed near the top in several different categories for a NSSC rate for the twelve months ended June 30, 2009. At the national level, the court ranked ninth out of ninety-four district courts compared to a ranking of tenth for the year ended June 30, 2008. Among courts with six or more Article III Judges in one location, the Eastern District of Missouri ranked second out of twenty-six courts. Within the Eighth Circuit, the court ranked second out of ten district courts. There were several factors that contributed to these achievements such as successful pooling of jurors, a limited number of late settlements, and no cases of notoriety requiring large numbers of prospective jurors.



Order of District Courts above is based upon data for the twelve months ended June 30, 2009.

For the twelve months ended December 31, 2009, the Eastern District of Missouri exceeded the effective juror utilization standard of 30 percent established by

the Judicial Conference with a 21.7⁴ percent in 2009. Since 2005, for the year ended December 31, the court has seen its NSSC rate improve each year. The level of success the Eastern District of Missouri has achieved in the last two reporting periods reflects the dedication and desire of the judicial officers as well as the court personnel continually seeking to improve juror management.

As previously mentioned, the Eastern District of Missouri has been continually improving its juror management over the past several years. *Table 2 (below)* displays statistics on juror utilization during calendar years 2007, 2008, and 2009. When comparing the statistics from 2008 and 2009, there were significant decreases to several categories. For instance, the number of jurors required to appear for jury duty decreased 40.7 percent from 2008 to 2009 (3126 v. 1854). The number of jurors who participated in voir dire decreased 43.3 percent from 2008 to 2009 (2937 v. 1665). The number of jurors selected for trial decreased 38.8 percent from 2008 to 2009 (910 v. 557). For a complete breakdown of monthly juror usage in 2009, please refer to *Appendix A* on page 50.

	2007	2008	2009
Number of people sent qualification questionnaires	24,000	25,158	26,805
Number of jurors summoned for jury duty	10,353	8,992	10,674
Number of jurors who appeared for jury duty	1,969	3,126	1,854
Number of jurors who participated in voir dire ¹	1,782	2,937	1,665
Number of jurors who were selected for trial	567	910	557
Number of jury trial starts (civil and criminal)	53	80	60

¹ - This figure includes three sets of jurors: (1) jurors who were selected for trial; (2) jurors challenged for cause or peremptorily, and (3) jurors who participated in voir dire, but were not selected or challenged.

EJUROR WEB PAGE PROGRAM

The Eastern District of Missouri participated with a select group of District Courts in the development and

⁴ National data concerning juror utilization for the twelve months ended December 31, 2009 was not made available by the time of publication for this report. As a result, comparisons could not be made between the Eastern District of Missouri and the different national averages.



testing of the eJuror Web Page Program in 2009. The eJuror program enables jurors to complete and submit their initial juror qualification questionnaires and juror information, if summoned, via the internet. Once registered, jurors can update their information, check their juror status, request an excuse or deferment, and obtain reporting instructions online. Once their service is completed, jurors can print out verification of attendance if needed for their employers. The eJuror program facilitates the jury experience by making data collection and processing of juror information more efficient and convenient.

In June 2009, the Eastern District of Missouri went live on eJuror. Since going live in June, there have been 1,431 qualification questionnaires and 2,152 juror information forms completed through eJuror.

COMMUNITY OUTREACH

HISTORY OF COMMUNITY OUTREACH

The Eastern District of Missouri began its community outreach efforts in 2001 to promote public awareness and understanding of the role federal courts play in the administration of justice. In order to accomplish this, the Eastern District of Missouri hosts at least two annual outreach events, coordinates courthouse tours, and provides educational events for local schools and universities.

THURGOOD MARSHALL MOCK TRIAL COMPETITION

The Midwest Region of the National Black Law Students Association (MWBLSA) held its Midwest 2008-2009 Thurgood Marshall Mock Trial Competition (TMMTC) January 22 through January 24 at the Thomas F. Eagleton U.S. Courthouse in St. Louis, Missouri. The TMMTC has become one of the largest and most respected mock trial competitions available to law students. The regional competition draws some of the brightest students from more than 45 law schools in the Midwest Region. The TMMTC offers its participants an unparalleled opportunity to refine their trial advocacy skills in a courtroom setting.



Law students competing in the mock trial competition at the Thomas F. Eagleton Courthouse.

The judges of the U.S. District Court for the Eastern District of Missouri accommodated the TMMTC by providing six courtrooms for the three day competition. U.S. Magistrate Judge David D. Noce of the U.S. District Court participated as a judge for the competition.

WASHINGTON UNIVERSITY FIRST-YEAR LAW STUDENTS OUTREACH EVENT

The judges of the Eastern District of Missouri hosted the eighth annual Washington University First-Year Law Students Outreach Event at the Thomas F. Eagleton Courthouse on January 30, 2009 and February 6, 2009. Each year the first-year law class at Washington University in St. Louis is provided a unique opportunity to meet with a number of judges in a courtroom setting in order to develop a better understanding of the role and operation of the federal courts. For many law students, this is not only their first visit to a federal courtroom, but the first time they have met and spoken with federal judges.



U.S. District Judge Rodney W. Sippel

Due to the size of the first-year law class at Washington University, the students were divided into two groups that were assigned to attend the outreach event on one of the two selected dates. On January 30, 2009, U.S. District Judge Catherine D. Perry, U.S. District Judge Rodney W. Sippel, and U.S. Magistrate Judge David D. Noce met with the first group of law students. On February 6, 2009, U.S. District Judge Rodney W. Sippel, Chief U.S. Magistrate Judge Mary Ann L. Medler, and U.S. Magistrate Judge Terry I. Adelman met with the second group of students.



Chief U.S. Magistrate Judge Mary Ann L. Medler



Topics discussed with the judges included legal memoranda drafting and practice tips, professionalism and civility among lawyers, the day-to-day workings of the court, and technological features of the courtroom. At the conclusion of each program, students were given the opportunity to have a question-and-answer session with the judges.

BAMSL YOUNG LAWYERS' DIVISION TRIAL ADVOCACY COMPETITION

The Bar Association of Metropolitan St. Louis (BAMSL) Young Lawyers' Division (YLD) held its third annual Trial Advocacy Competition on February 27, 2009 at the Thomas F. Eagleton Courthouse in St. Louis, Missouri. The Trial Advocacy Competition is an award-winning and nationally recognized program that provides aspiring trial lawyers in our community with valuable trial experience. The competition provides young lawyers a realistic litigation experience to practice and refine their skills in all phases of trial. Experienced trial attorneys and judges serve as evaluators and provide feedback on all aspects of the trial presentation. Law students from Saint Louis University School of Law and Washington University School of Law participated in the competition as mock jurors.

A total of ten teams comprised of two members each competed in five mock trials that were restricted to a total "trial time" of 240 minutes. During the trial, lawyers were scored based on advocacy skills utilized during the course of their presentation. Prevailing at trial held no bearing with the participants' standing in the competition.



U.S. District Judge Henry E. Autrey presiding over one of the mock trial competitions at the Eagleton Courthouse.

Five courtrooms in the Thomas F. Eagleton Courthouse were used for the trial advocacy competition. Judges presiding over the mock trials were from St. Louis City and St. Louis County Circuit

Courts, in addition to U.S. District Judge Henry E. Autrey.

JUROR APPRECIATION WEEK

The Eastern District of Missouri, along with other courts across the country, observed Juror Appreciation Week during the week of April 27, 2009 to May 1, 2009. Jurors reporting on those specific days were treated to an assortment of breakfast refreshments. In addition, each juror received a U.S. District Court Juror Appreciation book bag, Certificate of Appreciation, and a Proclamation in Appreciation of Jury Service signed by Chief U.S. District Judge Carol E. Jackson and Clerk of Court Jim Woodward along with other commemorative items.

On Monday, April 27, U.S. Magistrate Judge David D. Noce spoke to the jurors on the significance of the occasion and read the Proclamation in Appreciation of Jury Service. Several days later, on Wednesday, April 29, U.S. District Judge Catherine D. Perry provided observations on the event to the jurors in attendance and read the Proclamation in Appreciation of Jury Service.



U.S. Magistrate Judge David D. Noce speaks to the jurors.

Due to jury scheduling in Cape Girardeau, Juror Appreciation Week became Juror Appreciation Month. On Thursday, May 21, U.S. Magistrate Judge Lewis M. Blanton offered remarks on the occasion and read the Proclamation in Appreciation of Jury Service.

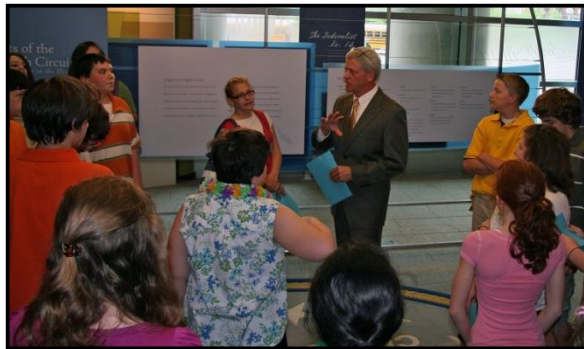
LAW DAY 2009

On May 1, 2009, the U.S. District Court sponsored Law Day, a commemoration that began in the United States in 1958. Each year for the occasion a different theme for the day is selected. In 2009, the theme of the celebration was "The Legacy of Liberty: Celebrating Lincoln's Bicentennial".



The day began with the arrival of forty seventh-grade students from Washington Middle School at the Thomas F. Eagleton Courthouse in St. Louis, Missouri. The program began with introductions in the jury assembly room by Jeanne Pattrin, Deputy Clerk, and Jim Woodward, Clerk of Court.

At the conclusion of the introductions, the students were given a presentation by the U.S. Marshals Service and provided a tour of the Judicial Learning Center. Later that morning, the students were led by U.S. Magistrate Judge David D. Noce in a discussion regarding Abraham Lincoln's achievements as a practicing lawyer.



Clerk of Court Jim Woodward providing a tour of the Judicial Learning Center to a visiting group of students.

At the close of the Lincoln discussion, the results of the essay contest were announced by Judge Noce. Before the students arrived on Law Day, each student submitted an essay describing the significance of Lincoln's legal career. Collectively, the essays reflected the many accomplishments Lincoln accrued over his lifetime. The first place recipient, Maddy Stuckel, read her winning essay to her classmates.



U.S. Magistrate Judge David D. Noce with Maddy Stuckel.

To close the day, the students were escorted to the En Banc Courtroom on the 28th floor for an overview of the Court of Appeals led by Michael Gans.

PROJECT EARN

Project EARN (Expanding Addicts' Recovery Network) was initiated in the Eastern District of Missouri in April 2008. Project EARN, a program name unique to the Eastern District of Missouri, is a type of reentry court program designed to be a voluntary intensive recovery program for individuals on probation or supervised release who suffer substance abuse/dependence issues. Before joining the program, participants must be willing to abide by all the rules and regulations of the program, which includes regularly scheduled court appearances for updates on participant progress. If the participant fails to meet the standards of the agreement, then this may result in termination from the program as well as possible revocation of supervision. Each participant's involvement in the program will be confirmed in a written agreement to be signed by the participant, the Probation Office, United States Attorney's Office, Federal Public Defender's Office, and the District Court. U.S. District Judge Carol E. Jackson represents the District Court as the program judge.



Chief U.S. Probation Officer Douglas Burris, Chief U.S. District Judge Carol E. Jackson, and Project EARN's first graduate, Howard Buckingham.

The Project EARN team is comprised of the District Court, U.S. Attorney's Office, the Federal Public Defender's Office, the Probation Office, and community treatment providers. Each team member has assigned duties that assist in the participant's progress. In the case of the District Court, when the participant is excelling, the court offers support and praise, but if the participant is found to be in noncompliance with any part of the agreement, then sanctions may be imposed based upon the severity of the action.

There are four phases each varying in length to complete in Project EARN before a participant is eligible for graduation. Each phase has a primary goal, list objectives and expectations, meeting requirements, and criteria for phase advancement. The four phases to Project EARN are listed below:

- Early Recovery



- Primary Treatment Phase
- Continued Care and Supervision
- Commencement Phase

In May 2009, Project EARN held its first graduation ceremony for one of its participants. In December 2009, Project EARN observed five more of its participants graduate the program. The graduates were James Abney, James Cole, Tim Schwalbert, Chaji McKee, and Levi Johnson. In some cases, graduates from the program may receive up to one year reduction in their term of supervision.



Chief U.S. Probation Officer Douglas Burris (far left), U.S. District Judge Carol E. Jackson, and Project EARN's second graduating class.

TEACHER DAYS

In order to bring awareness to educators in the St. Louis community of the Judicial Learning Center, the court hosted a series of "Teacher Days" during the summer of 2009. The "Teacher Days" took place on the following three dates: (1) June 12; (2) July 9; and (3) July 31. For each day, participating teachers were welcomed by Chief U.S. District Judge Catherine D. Perry, Clerk of Court Jim Woodward, and Clerk's Office staff. Also on hand to greet the teachers on these occasions were U.S. District and Magistrate Judges who made themselves available to speak with the visiting teachers.



U.S. Magistrate Judge Audrey G. Fleissig (second from the left) met with a group of teachers on one of the Teacher Days.

Once everyone had arrived, Judge Perry and Jim Woodward provided the necessary introductions and discussed the educational opportunities available in the

Thomas F. Eagleton Courthouse for their students. After answering questions, the teachers were given a tour of the courthouse beginning with the Judicial Learning Center. Educators were encouraged to use the facilities of the courthouse to provide students an educational experience unavailable in the classroom.

NOTABLE VISITORS TO THE EASTERN DISTRICT OF MISSOURI

Judge Won Keun Park – The court hosted Judge Won Keun Park of South Korea on July 27 and 28 at the Thomas F. Eagleton Courthouse in St. Louis, Missouri. Judge Won Keun Park was a participant in the National Center for State Courts' (NCSC) International Visitor's Education Program (IVEP). Each year IVEP designs and conducts educational training and programming for international justice-sector leaders⁵. The programs are specifically tailored to meet the educational criteria provided by the participant⁶. Depending on the criteria of the program, the duration and locations of the seminar varies. In the case of Judge Won Keun Park, he had been in St. Louis since February 2009 studying at Washington University. Before completing his studies in August 2009, Judge Won Keun Park wanted to observe trials and proceedings in federal court as well as interact with federal judges and court personnel.

Judge Won Keun Park had the opportunity to meet and confer with U.S. Magistrate Judge David D. Noce and Clerk of Court Jim Woodward. During his observation and subsequent discussion, Judge Won Keun Park gained a greater understanding of the procedures in the judiciary system at the federal level. Judge Won Keun Park commented at the conclusion of his visit on how valuable he found the experience.



From Left to Right: U.S. Magistrate Judge David D. Noce, Sheila Brennan, Law Clerk to Judge Noce, Clerk of Court Jim Woodward, Judge Won Keun Park, and Charles Insler, Law Clerk to Judge Noce.

⁵ National Center for State Courts. (2006). International Visitor's Education Program. Retrieved March 20, 2010 from http://www.ncscinternational.org/x/Projects_description.aspx.

⁶ National Center for State Courts. (2006). International Visitor's Education Program. Retrieved March 20, 2010 from http://www.ncscinternational.org/x/Projects_description.aspx.



Bureau of Prisons (BOP) Director Harley G. Lappin – Harley G. Lappin met with judges of the District Court and selected court personnel on August 25, 2009 at the Thomas F. Eagleton Courthouse in St. Louis, Missouri. Director Lappin has been working at the BOP since 1985 and has been its director since 2003.



From Left to Right: Chief U.S. District Judge Catherine D. Perry, Director Harley G. Lappin, and U.S. District Judge Carol E. Jackson

During the meeting, Director Lappin discussed the following subjects with the group:

- BOP programs
- Criteria for inmate eligibility for drug treatment
- Vocational training and other special services
- Trends in prison population
- Prison gang concerns
- Mental health treatment options
- Prison medical care
- Budget constraints
- Sentencing recommendations of judges

COURTHOUSE TOURS

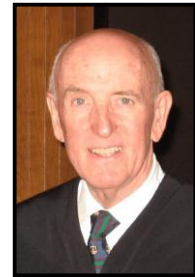
The Clerk's Office of the U.S. District Court along with other agencies within the Thomas F. Eagleton Courthouse in St. Louis, Missouri provided a total of fifty tours to the public in 2009. The tour groups were primarily composed of public and private school students from fifth grade through college from Metropolitan St. Louis. There were also several tours provided to various senior citizen groups.

The visiting groups typically begin their tour in the Judicial Learning Center on the first floor of the courthouse. From the Judicial Learning Center, the groups visit other notable sites within the courthouse such as the Blackmun Rotunda on the 27th floor and the En Banc Courtroom on the 28th floor. In addition to the tour, groups were offered opportunities to observe a District Court proceeding, visit the U.S. Marshals Service, and have question and answer session with a U.S. District or Magistrate Judge, Assistant U.S. Attorney, or a Federal Public Defender.

These visits to the courthouse make a positive and lasting impression on citizens, especially those who are unfamiliar with the operations and procedures of the federal judiciary. For the student visitors, the format of the tour provides a preview into future career opportunities such as in the law, law enforcement, or judicial administration.

ORAL HISTORY PROJECT UPDATE

In 2004, U.S. District Judge E. Richard Webber began the extensive process of creating oral histories on all retired and senior judges from the Eastern District of Missouri. Dr. Frank Nickell of Southeast Missouri State University's Visual Arts Department is the Director of the Center for Regional History. He is providing production assistance for the recorded interviews. Each recorded interview requires at least 150 hours of research and preparation. The aim of the project is to capture the character of each judge and preserve it for historical purposes.



*U.S. District Judge
E. Richard Webber*

For each oral history, Judge Webber, in addition to his own research, conducts interviews with family, friends, associates, and fellow judges in order to obtain a thorough and balanced understanding of the judge. Once the research is completed, if possible, an interview with the judge is conducted. The final interview with the judge serves as the capstone to each oral history.

At the close of 2009, Judge Webber had completed the oral histories of Judge William L. Hungate and Judge John F. Nangle, which are available for viewing in the Judicial Learning Center. The oral history of Judge Edward L. Filippine is in the final stages of editing and should be available for viewing in 2010. Work is underway on the oral histories of Judge William H. Webster and Judge Stephen N. Limbaugh Sr.

The oral history project led by Judge Webber has served as a valuable reference for author Burton Boxerman, who is in the process of completing a book discussing the history of the Eastern District of Missouri. During 2009 and continuing into 2010, Mr. Boxerman is interviewing judges from the Eastern District of Missouri for a biographical section in the upcoming book.



In addition to the oral histories, progress was made in 2009 on the review of the seventeen most significant cases from the Eastern District of Missouri. This review of case history will include recorded interviews with the judges who presided over and authored the opinions of these cases. The cases listed below are available to the public for viewing in the Judicial Learning Center.

1. *Hazelwood School District v. Kuhlmeier*
2. *Jones v. Alfred H. Mayer Co.*
3. *Spinelli v. United States*
4. *Bruton v. United States*

NATURALIZATION PROGRAMS

In 2009, the Eastern District of Missouri performed twenty-six naturalization ceremonies from which 1,354 petitioners became United States citizens. Of those new citizens, the League of Women Voters registered a total of 636 new voters at twenty-four ceremonies. As in previous years, numerous individuals and community groups made an assortment of contributions to the naturalization programs throughout the year. Their continued support enhances the value of this unique experience. There was a diverse group of individuals from politicians to legal professionals who shared their time and talent as speakers or singers during the ceremonies. American Legion posts from Metropolitan St. Louis donated flags to new U.S. citizens. The Daughters of the American Revolution – Webster Groves Chapter donated patriotic bookmarks to new citizens. Troops from the Boy Scouts of America from across the state of Missouri acted as Color Guard at the naturalization ceremonies. Administration and staff from the National Parks Service at the Jefferson National Expansion Memorial, Fontbonne University, and Brentwood High School graciously made their facilities available for selected ceremonies in 2009.

Flag Day Ceremony – The Flag Day naturalization ceremony was held at the Old Courthouse at the Jefferson National Expansion Memorial on June 15, 2009 in St. Louis, Missouri. U.S. District Judge E. Richard Webber presided at the ceremony and administered the *Oath of Allegiance* to the new U.S. citizens. There were 18 petitioners at the ceremony. Troop 624 from the Boy Scouts of America advanced and retired the colors. St. Louis Service Women’s Post 404 of the American Legion donated flags to the new citizens. Thomas Wack, attorney-at-law, provided the keynote address. Peter Dunne and Robert Will performed *God Bless America* and *The National Anthem*.



Troop 624 from the Boy Scouts of America advanced and retired the colors at the Flag Day Ceremony.

Fourth of July Ceremony – The Fourth of July naturalization ceremony is held each year at the Old Courthouse at the Jefferson National Expansion Memorial in St. Louis, Missouri. The special ceremony took place on July 4, 2010. U.S. District Judge Rodney W. Sippel presided at the ceremony and administered the *Oath of Allegiance* to America’s newest citizens. In order to commemorate America’s 233rd birthday, more than 6,000 citizenship candidates were naturalized nationwide in approximately 50 special ceremonies across the United States and overseas. There were 79 petitioners at the ceremony in St. Louis, Missouri. The new Americans were originally from 35 countries. Troop 685 from the Boy Scouts of America advanced and retired the colors. Post 37 of the American Legion donated flags to the new U.S. citizens. The Honorable Francis G. Slay, Mayor of St. Louis City, gave the keynote address. Charles Glenn performed *America the Beautiful* and *The National Anthem*.



U.S. District Judge Rodney W. Sippel and Mayor Francis G. Slay welcome a new citizen at the Fourth of July Ceremony.

Constitution Day Ceremony – The Constitution Day naturalization ceremony was held at the Old Courthouse at the Jefferson National Expansion Memorial on September 17, 2009 in St. Louis, Missouri. U.S. District Judge Henry E. Autrey presided at the ceremony and administered the *Oath of Allegiance* to the new U.S. citizens. There were 75 petitioners who took the oath of allegiance at the



ceremony. The Fred W. Stockham Post No. 4 of the American Legion donated flags to the new U.S. citizens. Lenny Kagan, attorney-at-law, provided the keynote address. Carin Thyssen performed *God Bless America* and *The National Anthem*.



Petitioners take the Oath of Allegiance at the Constitution Day Ceremony at the Old Courthouse.

Ceremony at Fontbonne University – A special naturalization ceremony was held at Fontbonne University on October 9, 2009 in St. Louis, Missouri. U.S. District Judge Carol E. Jackson presided at the ceremony. There were 39 petitioners who took the *Oath of Allegiance* at the ceremony. The Jerome L. Goldman Post No. 96 and 11/12 District of the American Legion donated flags to the new U.S. citizens. The guest speaker was Dennis C. Golden, President of Fontbonne University. Carin Thyssen performed *God Bless America* and *The National Anthem*.



U.S. District Judge Carol E. Jackson presided over the ceremony at Fontbonne University.

Ceremony at Brentwood High School – A special naturalization ceremony was held at Brentwood High School on November 19, 2009 in St. Louis, Missouri. Senior U.S. District Judge E. Richard Webber presided at the ceremony. There were 52 petitioners at the ceremony who took the *Oath of Allegiance*. American Legion Goff-Most Post 101 advanced and retired the colors. St. Joseph Memorial Post No. 525 and the Fire Department Post No. 89 of the American Legion donated flags to the new citizens. David Pratt gave the keynote address. The Brentwood High School Band and Choir performed *America the Beautiful*. An instrumental ensemble comprised of Amy Lee, Mary



Senior U.S. District Judge E. Richard Webber greets a new citizen at the naturalization ceremony at Brentwood High School.

Hager, Tori Leslie, Meredith McGrath, and Seamus Doyle performed *The National Anthem*.

NEW LEADERSHIP FOR U.S. PRETRIAL SERVICES

U.S. Pretrial Services Offices are located in the Thomas F. Eagleton United States Courthouse in St. Louis, Missouri and the Rush H. Limbaugh Sr. Courthouse in Cape Girardeau, Missouri. After approximately 13 years of service, Chief Eugene C. Kain Jr. retired on March 1, 2009. His leadership inspired all pretrial staff to provide excellent service to the court. In his place, Cindy Bochantin (*pictured above*) was promoted to Chief U.S. Pretrial Services Officer.



OPENING OF U.S. PROBATION OFFICE AT GOODFELLOW

The U.S. Probation Office for the Eastern District of Missouri opened a new satellite office in June 2009 at the Goodfellow Federal Center in St. Louis, Missouri. The Goodfellow Federal Center is a suburban office park situated on 62.5 acres.



U.S. Probation Office at Goodfellow



The buildings that comprise the Federal Center were built in 1941 by the U.S. Department of Defense originally intended to house an Army Small Arms Munitions Plant to support the World War II effort. The ownership and operation of the complex was transferred to the General Services Administration (GSA) on July 1, 1966. Subsequently, GSA renovated the buildings into an office park.

The U.S. Probation Office is located on the second floor of building #107, which occupies approximately

11,000 square feet. Thirty employees of the Probation Office are currently staffed at Goodfellow. Most of these employees specialize in the supervision of federal offenders. At the close of 2009, the Probation Office was approved for additional office space at Goodfellow. The new space is located on the first floor of building #107, which occupies approximately 12,000 square feet. The new space is still in the process of being designed and will not be opened until 2010.



UNITED STATES MAGISTRATE JUDGE UTILIZATION

U.S. MAGISTRATE JUDGE STATISTICS

The Eastern District of Missouri consistently has one of the highest numbers of magistrate judge consent dispositions not only within the Eighth Circuit, but nationally among the 94 U.S. District Courts. According to the Administrative Office (AO) of the U.S. Courts, the Eastern District of Missouri ranked first among the courts in the Eighth Circuit and fourth nationally in consent dispositions from 2005 through 2009⁷. The Eastern District of Missouri recorded the following number of consent dispositions including jury and bench trials from 2007 through 2009: 458 in 2007, 485 in 2008, and 559 in 2009.

The magistrate judges in the Eastern District of Missouri play an integral role in the handling of the court's workload. By local rule, U.S. Magistrate Judges are included in the civil case assignment system to receive new civil cases at time of filing. The Eastern District of Missouri assigns approximately 40 percent of available civil cases to U.S. Magistrate Judges excluding cases with motions for temporary restraining orders, multidistrict litigation transfer cases, and civil forfeiture cases. *Table 3* identifies, in part, the civil

caseload assigned to U.S. Magistrate Judges in the Eastern District of Missouri from 2007 to 2009.

TABLE 3 – U.S. MAGISTRATE JUDGE UTILIZATION¹
January 1 – December 31 Reporting Period
Percentages are rounded to the nearest tenth

	2007	2008	2009	Totals
Total New Civil Case Filings – All Types	2358	2281	2374	7013
New Civil Cases Assigned Exclusively to U.S. District Judges	430	490	288	1208
New Civil Cases Available to U.S. Magistrate Judges	1928	1791	1845	5564
New Civil Cases Assigned to U.S. Magistrate Judges	647	770	743	2160
Percentage of New Civil Filings Assigned to U.S. Magistrate Judges	33.6%	43.0%	40.3%	38.8%

Calendar year 2007 was the first year that the assignment distribution report was available in CM/ECF.

1- The figures presented in the table above do not represent civil consent cases terminated by U.S. Magistrate Judges under 28 U.S.C. 636(c), but only the civil workload directly assigned at time of case filing.

⁷ Civil Consent Cases terminated by U.S. Magistrate Judges under 28 U.S.C. Section 636(c) are based on national caseload data for the twelve month period beginning October 1 ending September 30 reported by the Administrative Office of the U.S. Courts (*Table M-5 – U.S. District Courts: Civil Consent Cases Terminated by U.S. Magistrate Judges under 28 U.S.C. Section 636(c)*).



ENHANCING COURTROOM TECHNOLOGY

The Information Systems Department (ISD) of the U.S. District Court strives to stay current with technology available to improve courtroom proceedings and the operations of the Clerk's Office. In 2009, a complete renovation of the audio components took place in the district courtrooms to provide state-of-the-art sound quality. The renovation work included the audio processing equipment, microphones, speakers, and touch panels. Listed below are the upgrades installed into each district courtroom in Thomas F. Eagleton Courthouse:

- New unidirectional speakers were placed above the jury box to better focus the sound masking sidebar conferences.
- Boundary microphones were installed in the jury box and the gallery allowing for enhanced audio clarity and a more accurate record of the voir dire proceedings.
- Boundary microphones were added to the lectern providing the court reporters improved sound quality to capture events near the podium.
- An enhanced telephone interpreting program (TIP) system was installed in the district courtrooms utilizing wireless lavaliers. This new system allows attorneys to communicate with their non-English speaking clients using a translator. In addition, it also allows non-English speaking audience members in the courtroom to listen to the translated material via infrared headsets.
- The control interface has a larger touch panel.
- The upgrade allows for the court to stream the courtroom proceedings' audio via the intranet to court staff members throughout the courthouse.
- The new digital audio processing equipment allows the volume levels to be much greater than before due to zoning of the speakers in the courtroom. A "mix-minus" design was installed in the courtrooms to allow audio from the microphones to the different speakers to be individually mixed to reduce feedback.
- The judge and the witness have the option of using lavalier microphones, which are wired into the bench or the standard gooseneck microphone.

TELEPHONE INTERPRETING PROGRAM (TIP)

In 1989, the Judicial Conference authorized a pilot experiment to determine whether telephone interpreting for non-English speaking defendants was a feasible alternative to using live interpreters for courtroom proceedings. In November 1990, the District of New Mexico was one of the first U.S. District Courts to utilize a telephone interpreting system prototype. After reviewing the results at the District of New Mexico, the Judicial Conference in 1994 approved further expansion of the pilot program.

There were several phases to the pilot program of telephone interpreting. Among others, staff of district courts and contracted interpreters had to be instructed on how to effectively use the program. By 2002, the telephone interpreting program became available nationally and a website was developed in order to manage scheduling and operations.

TIP provides the following benefits to U.S. District Courts:

- Provides easy access to interpretation services when live resources are not available locally.
- Reduces interpreter expense.
- Reduces time and travel cost associated with importing certified interpreters from outside of the area.
- Ensures defendant access to a certified and/or qualified interpreter in court proceedings.
- The receiver court needs minimal equipment (a two-line telephone system in the courtroom) to participate in the TIP program.

In 2001, sixteen district courts participated in the TIP pilot program with a total of 975 events at a cost of \$20,379 with a savings of \$264,451. A year later when the program went nationwide, twenty-four district courts participated with a total of 1,581 events at a cost of \$48,463 with a savings of \$472,869. By 2007, forty-eight district courts were participating in the program with a total of 3,683 TIP events at a cost of \$102,196 with an estimated savings of \$1,114,586.

When the Eastern District of Missouri began participating in the TIP program in 2003, there had been a steady increase in the number of TIP events until 2008. In 2008, the increase in the number of TIP events leveled off. In 2009, the court performed a total of 180 TIP events. The events cost a total of \$4,822 with an estimated savings of \$55,118. *Table 4 (Refer to pg. 15)* displays the TIP statistics dating back to 2003.



TABLE 4 – TIP STATISTICS			
January 1 – December 31 Reporting Period			
Year	TIP Events	TIP Costs ¹	Estimated Savings ²
2003	29	\$801	\$8,523
2004	110	\$1,940	\$34,357
2005	145	\$3,656	\$44,296
2006	167	\$5,745	\$49,866
2007	218	\$5,428	\$66,833
2008	193	\$5,015	\$58,921
2009	180	\$4,822	\$55,118
Total	1042	\$27,407	\$317,914
Avg.	149	\$3,915	\$45,416

1 – TIP costs are paid from a centralized, nationwide budget
2 – Estimated savings for interpreter travel costs are not calculated due to the variability in airfare and lodging costs.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

THE ADR PROGRAM

In 1994, the Eastern District of Missouri established its Alternative Dispute Resolution (ADR) program. Designed to give litigants ready access to case evaluation and/or settlement assistance, the ADR program seeks to encourage mutually satisfactory resolutions to disputes in the early stages of litigation. Such early case resolution tends to increase litigant satisfaction with the judicial process and more efficiently uses judicial and private resources.

Authorized by Local Rules 16-6.01 to 16-6.05, the ADR program provides two dispute resolution procedures, mediation and early neutral evaluation (ENE), to litigants in civil cases. Mediation is a process in which an impartial neutral (mediator) facilitates negotiations among the parties in litigation to help them reach a settlement. ENE is a process in which an experienced neutral evaluator offers pre-trial planning assistance to parties together with a reasoned, non-binding assessment of their case at an early stage of the litigation process.

Most civil case types are eligible for ADR referral, with a few specified exceptions, such as Social Security cases and other cases generally decided on briefs. Rule 16-6.01 gives judges authority to refer appropriate cases to ADR. The court established a panel of mediators and neutral evaluators to provide ADR services, for fees set by each neutral, and specified training requirements for panel members.

The ADR program was established as part of a broader set of reforms adopted by the court under the 1990 Civil Justice Reform Act (CJRA). Among these reforms, the court adopted a uniform set of case management procedures that include a standard case management order and commitment by the judges to hold early Rule 16 conferences with counsel in all eligible cases. This conference provides the occasion for managing discovery, setting firm schedules for each case, and making referrals to ADR.

The ADR program was designed to achieve the following objectives:

1. Provide a simple and confidential structure for voluntary disposition of civil cases.
2. Improve time to disposition for cases referred to ADR.
3. Reduce litigation costs for parties to civil suits.
4. Enable parties to fashion wider range of remedies.

To insure that the goals of ADR are being met, an ADR Advisory Committee was formed in June 1999. The committee makes recommendations for improvement to program practices and procedures. The committee is comprised of District Court personnel, law professors, court-certified neutrals, and U.S. District and Magistrate Judges. Listed below are the committee members as of December 31, 2009:

- Senior U.S. District Judge Charles A. Shaw – Chair
- U.S. District Judge Rodney W. Sippel
- U.S. Magistrate Judge David D. Noce
- U.S. Magistrate Judge Thomas C. Mummert
- Clerk of Court Jim Woodward
- Chief Deputy Clerk Lori Miller-Taylor
- Jerry Diekemper – Court-Certified Neutral
- Professor Tonie FitzGibbon, Saint Louis University School of Law
- Lenny Frankel – Court-Certified Neutral
- Mike Geigerman – Court-Certified Neutral
- Judge Stan Grimm – Court-Certified Neutral
- James Reeves – Court-Certified Neutral
- Professor Karen Tokarz, Washington University School of Law

ADR ADVISORY COMMITTEE TRANSITION

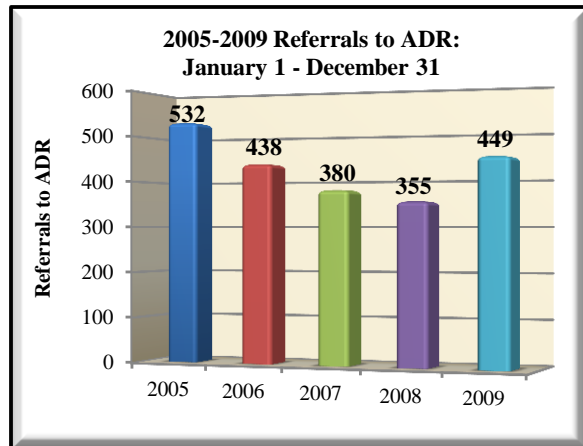
Beginning in 2010, the ADR Advisory Committee will have its first new chair since its inception in 1999. Senior U.S. District Judge Charles A. Shaw stepped down as Chair of the ADR Advisory Committee at the close of 2009. Judge Shaw has served as chair since the



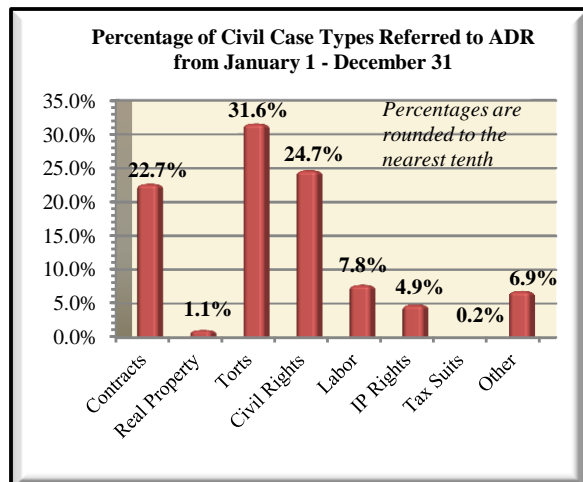
committee was formed. Senior U.S. District Judge E. Richard Webber will take over as chair of the committee starting in 2010.

ADR PROGRAM STATISTICS

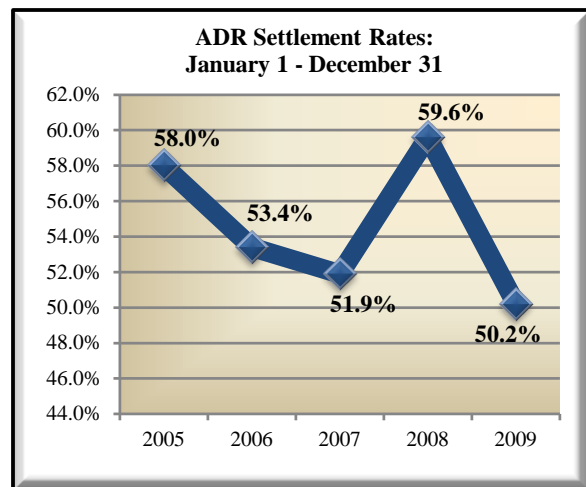
Referrals to ADR from January 1 to December 31, 2009 totaled 449, compared to 355 referrals to ADR in 2008, and 380 referrals to ADR in 2007. The number of referrals to ADR increased 26.5 percent from 2008 to 2009 (355 v. 449). The total for 2009 includes 42 Multidistrict Litigation (MDL) cases referred to ADR in September 2009.



The civil case types that received the most referrals to ADR during 2009 were torts, civil rights, and contracts in that order. These three civil case types comprised approximately 79.1 percent of the referrals to ADR during 2009, compared to 78.3 percent of the referrals to ADR during 2008. Torts, civil rights, and contract referrals increased when comparing 2008 and 2009. The number of tort referrals increased 63.2 percent (87 v. 142), civil rights referrals increased 11.0 percent (100 v. 111), and contract referrals increased 12.1 percent (91 v. 102) from 2008 to 2009.



The settlement rate was 50.2 percent among ADR-referred cases in which a mediator compliance report was filed during 2009, compared to 59.6 percent in 2008, and compared to 51.9 percent in 2007. Of the three civil case types referred most often, torts had a settlement rate of 52.9 percent in 2009 (37 settled v. 33 not settled), compared to a settlement rate of 54.5 percent in 2008 (30 settled v. 25 not settled). Civil rights had a settlement rate of 50.0 percent in 2009 (34 settled v. 34 not settled), compared to a settlement rate of 69.7 percent in 2008 (46 settled v. 20 not settled). Contracts had a settlement rate of 48.6 percent in 2009 (34 settled v. 36 not settled), compared to a settlement rate of 54.0 percent in 2008 (27 settled v. 23 not settled).



CONTINUITY OF OPERATIONS PLAN (COOP)

The Continuity of Operations Plan (COOP) for the Eastern District of Missouri fulfills the legal obligation of the court to the people of the United States by maintaining operational capabilities prudently and efficiently in the event that a disaster would make normal activities and legal proceedings within the courthouse impossible. The plan is updated on a regular basis in order to make certain of the following factors: the safety of employees; to provide efficient communications between court/chambers personnel and other governmental agencies; and to coordinate with state and municipal officials and agencies to stabilize, secure, and maintain public records and property for the continuation of court operations.

COOP provides policies, delineates responsibilities, and outlines procedures to make certain the Eastern District of Missouri's essential functions continue when the use of the courthouse facilities in St. Louis, Cape



Girardeau, and/or Hannibal are threatened or diminished. In 2008, the COOP committee expanded its membership. The committee is now comprised of the following members: Clerk's Office at the U.S. District Court, U.S. Probation, U.S. Pretrial, U.S. Marshals Service, U.S. Public Defender, and the U.S. Attorney's Office.

In 2009, the Eastern District of Missouri participated in a COOP exercise. The Clerk's Office, the U.S. Probation Office, and the U.S. Pretrial Services Office took part in the "St. Louis Interagency Continuity Exercise" (SLICE). The exercise was planned and overseen by officials from the Federal Emergency Management Agency (FEMA). Other agencies in metropolitan St. Louis participated in the exercise including the Department of Homeland Security, Internal Revenue Service (IRS), and the U.S. Army Corps of Engineers. The primary goal of the exercise was to evaluate the continuity of operations plan of the court by simulating a situation in which normal operations were disrupted.

The simulated disaster was an earthquake, which made the Thomas F. Eagleton Courthouse in St. Louis, Missouri unsafe for reentry. As a result, personnel were forced to relocate to an alternative site. During the exercise, personnel were receiving master event scenario injects (MESL) of different things that happened during and after the earthquake. It was the responsibility of the participants to respond to each inject with appropriate remedial actions. Each inject posed a new problem and forced the participants to think on their feet and develop an effective course of action. For instance, one inject forced participants to test the emergency communication system. Overall, the Eastern District of Missouri successfully completed the exercise, but more importantly, it provided participants with a valuable learning experience.

PRO SE UNIT STATISTICS

In 2009, there were 2,133 new civil cases filed excluding multidistrict litigation transfer cases (MDL) in the Eastern District of Missouri. Of those new filings, 826 cases were initially processed through the Pro Se Unit, which equals approximately 39.0% of the court's civil docket. In comparison to 2008, the Pro Se Unit initially processed 8.7 percent more cases in 2009 (760 v. 826). The 826 cases initially processed by the Pro Se Unit in 2009 included the following case types: 255 prisoner suits; 147 state habeas petitions⁸; 100

federal habeas petitions; 113 non-prisoner suits; and 211 social security appeals.

In the case of social security appeals, the Pro Se Unit only conducts a procedural review. By excluding social security appeals from the count, there were 615 new cases filed which received substantive frivolity review from the Pro Se Unit. By removing social security appeals from the total, the 615 cases comprise approximately 29 percent of the court's civil docket. In comparison to 2008, the Pro Se Unit performed substantive review on 5.3 percent more cases when excluding social security appeals in 2009 (584 v. 615).

In 2009, the preservice dismissal rate for prisoner civil rights suits was approximately 88 percent, compared to 66 percent in 2008. The preservice dismissal rate for state and federal habeas petitions was approximately 42 percent, compared to 33 percent in 2008. The preservice dismissal rate for non-prisoner civil cases was approximately 49 percent. The dismissal rate for all cases was approximately 63 percent, which means the Pro Se Unit prepared preservice dismissal orders for approximately 18 percent of the entire civil docket, not including partial dismissals.

In 2009, the Pro Se Unit drafted approximately 2,283 proposed orders of which 2,255 were civil orders and 28 were criminal orders. In comparison to 2008, the number of proposed orders the Pro Se Unit drafted increased 7.3 percent (2,127 v. 2,283). In addition, the Pro Se Unit prepared CJA recommendations, budget orders, and attorney appointment recommendations for 7 death penalty cases.

CIVIL JUSTICE REFORM ACT OF 1990 (CJRA) REPORTS

The CJRA report continued is a semi-annual submission to the Administrative Office (AO) of the U.S. Courts with reporting periods ending March 31 and September 30, 2009. Data is organized into the following categories:

- Reportable motions (motions pending six months or longer)
- Bench trials (case pending more than six months after the last day of trial)
- Bankruptcy appeals (pending more than six months after the filing date)
- Social security appeals (pending more than 10 months after the answer was filed)
- Three-year-old civil cases (pending more than three years after date of filing)

⁸ The state habeas petitions includes 7 miscellaneous petitions, such as audita querela, etc.

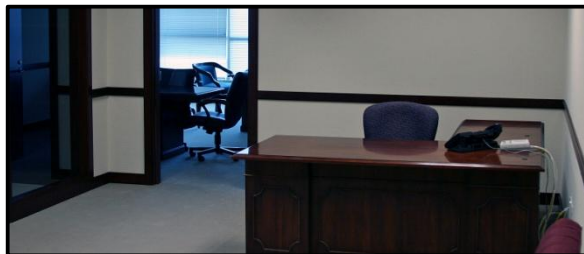


The March 31, 2009 report submitted to the AO included 20 reportable motions, compared to 12 reportable motions in 2008, and 5 reportable motions in 2007. Also identified in the report were 2 social security appeals and 1 bankruptcy appeal for twelve months ended March 31, 2009, compared to no social security or bankruptcy appeals in 2008. The report identified 20 three-year-old cases, compared to 15 three-year-old cases in 2008, and 13 three-year-old cases in 2007.

The September 30, 2009 report submitted to the AO included 21 reportable motions, compared to 12 reportable motions in 2008, and 5 reportable motions in 2007. Further identified in the report was the number of social security and bankruptcy appeals in 2009. For the twelve month period ended September 30, 2009, there was one social security and one bankruptcy appeal, compared to no bankruptcy and one social security appeal in 2008. Finally, the September 30, 2009 report identified 28 three-year-old cases, compared to 15 three-year-old cases in 2008, and 22 three-year-old cases in 2007.

NEW SENIOR DISTRICT JUDGE CHAMBERS

In order to accommodate the needs of the senior judges, an expansion of space for new senior district judge chambers was completed on the eighth floor in 2009. The build out on the eighth floor did not include the construction of a new courtroom. Senior judges are expected to occupy the new chambers in the summer of 2010.



The newly completed Senior District Judge chambers on the eighth floor of the Eagleton Courthouse in St. Louis, Missouri.

NEW LAW CLERK ORIENTATION

For two days, September 15 and 16, the Eastern District of Missouri held an orientation for incoming law clerks. The primary purpose of the program was to familiarize the new law clerks with the District Court's policies, procedures, and operations. Five new law clerks joined the court in the fall of 2009:

- Diane Princ – Law Clerk to Chief U.S. District Judge Catherine D. Perry
- Zak Toomey – Law Clerk to Chief U.S. District Judge Catherine D. Perry
- Michael Dauphin – Law Clerk to U.S. District Judge Henry E. Autrey
- Warren Williams – Law Clerk to U.S. District Judge Stephen N. Limbaugh Jr.
- Zachary Howenstine – Law Clerk to Senior U.S. District Judge E. Richard Webber

The first day primarily consisted of representatives from the various agencies within the Thomas F. Eagleton Courthouse in St. Louis, Missouri providing an overview of their job responsibilities. The second day of the orientation included discussions regarding local rules, policies, and practices pertinent to the successful performance of their jobs. The second day concluded with a question and answer session with current law clerks. The dialogue allowed the new law clerks to understand the expectations and experiences to come in their assignment.

LAW CLERKS' ANNUAL RETREAT

The law clerks' annual retreat was held June 17, 2009 at Moulin Events & Meetings located in St. Louis, Missouri. The retreat provided continuing legal education (CLE) training for the law clerks. Featured discussions included the following:

- Janis Good, Assistant Federal Public Defender – *Ethical Dilemmas Facing Public Defenders*
- Jonathan Goldstein, Senior Vice-President of Project Finance – *Community Revitalization*
- Robin Weinberger, Chief Deputy Clerk for the Eighth Circuit Court of Appeals – *Everything You Ever Wanted to Know about Eighth Circuit Procedure but were Afraid to Ask*
- Thomas Bauer, Senior U.S. Probation Officer – *Adventures in Probation*
- Tatjana Schwendinger, Federal Administrative Judge for the U.S. Equal Employment Opportunity Commission (EEOC) – *Settling EEO Claims*
- Jim Crowe, Tom Albus, Jeff Jensen, and Hal Goldsmith, Assistant U.S. Attorneys – *Ponzi Schemes and Other Financial Scandals*



JUDICIAL TRANSITIONS

APPOINTMENT OF NEW CHIEF UNITED STATES DISTRICT JUDGE

On June 11, 2009, U.S. District Judge Catherine D. Perry began her seven-year term as chief judge of the U.S. District Court for the Eastern District of Missouri. Judge Perry began her career in the U.S. District Court as a U.S. Magistrate Judge from 1990 to 1994. In 1994, Judge Perry was nominated for appointment to an Article III judgeship by President William J. Clinton. Judge Perry received her commission on October 7, 1994.



Chief U.S. District Judge Catherine D. Perry outside of her chambers

On becoming chief judge, Judge Perry commended the service and dedication of her predecessor and colleague, U.S. District Judge Carol E. Jackson. Judge Jackson, who served as chief judge from 2002 to 2009, first served the Eastern District of Missouri as a U.S. Magistrate Judge from 1986 to 1992. Judge Jackson was nominated for appointment to an Article III judgeship by President George H.W. Bush in 1992 and received her commission shortly thereafter. Judge Perry stated that the high standard of excellence set by Judge Jackson and the preceding chief judges will serve as a valuable guide as she becomes familiar with the duties of her new assignment.

As chief judge, Judge Perry expressed her intention to focus on expanding the outreach efforts of the court. Serving on the Board of Directors of the nonprofit organization, The Judicial Learning Center Inc., Judge Perry believes strongly in providing educational opportunities for students. In order to further this objective, Judge Perry initiated a series of “Teacher Days” in the summer of 2009 in order to promote the Judicial Learning Center at the Thomas F. Eagleton Courthouse in St. Louis, Missouri. The “Teacher Days” received a positive response from educators citing the learning center’s ability to engage students with interactive exhibits and interesting displays

STATUS OF SENIOR DISTRICT JUDGES

In 2009, the Eastern District of Missouri had two district judges elect to take senior status. U.S. District Judge E. Richard Webber assumed senior status on July 1, 2009. Judge Webber was nominated for appointment to an Article III judgeship on August 10, 1995 by President William J. Clinton and received his commission on December 26, 1995.

U.S. District Judge Charles A. Shaw assumed senior status on December 31, 2009. Judge Shaw was nominated for appointment to an Article III judgeship on October 22, 1993 by President William J. Clinton and received his commission on November 22, 1993.



Senior U.S. District Judge Charles A. Shaw

REAPPOINTMENT OF UNITED STATES MAGISTRATE JUDGES

On August 2, 2009, Chief U.S. Magistrate Judge Mary Ann L. Medler was reappointed to serve a new term of eight years for the Eastern District of Missouri. Judge Medler has served the court as a U.S. Magistrate Judge since August 2, 1993. Judge Medler is currently in the second year of a five-year term as Chief U.S. Magistrate Judge.



Chief U.S. Magistrate Judge Mary Ann L. Medler

On August 3, 2009, U.S. Magistrate Judge Audrey G. Fleissig was reappointed to serve a new term of eight years for the Eastern District of Missouri. Judge Fleissig has served the court as a U.S. Magistrate Judge since August 3, 2001. Before becoming a magistrate



judge, Judge Fleissig served as an Assistant U.S. Attorney from 1991 to 2000. In 2000, Judge Fleissig was appointed U.S. Attorney and served until 2001.



U.S. Magistrate Judge Audrey G. Fleissig being sworn in by Chief U.S. District Judge Catherine D. Perry

HONORS & AWARDS

JUDGE CAROL E. JACKSON – WOMEN’S JUSTICE AWARDS: WOMAN OF THE YEAR

U.S. District Judge Carol E. Jackson was honored with the 2009 Woman of the Year Award from the 11th Annual Women’s Justice Awards presented by the *St. Louis Daily Record* and *Missouri Lawyers Weekly*. The Woman of the Year Award is bestowed upon a woman who exemplifies the highest ideals of the legal profession.



Since joining the Eastern District of Missouri, Judge Carol E. Jackson has made several firsts during her tenure. When Judge Jackson became a U.S. Magistrate Judge in 1986, she was the first woman to serve on the district court at the St. Louis division. Moreover, Judge Jackson became the first African-American woman to be sworn in as an Article III judge in 1992, but she was not finished there. In 2002, Judge Jackson became the first African-American chief district judge of the district court.

Besides breaking barriers, Judge Carol E. Jackson has made significant contributions to the court since her arrival. Judge Jackson worked to establish Project EARN, an innovative federal drug court initiative. Project EARN, a program name unique to the Eastern District of Missouri, is a reentry program designed to provide a voluntary intensive recovery program for individuals on probation or supervised release who suffer substance abuse/dependence issues. Judge Jackson views Project EARN as an opportunity for former inmates to learn to modify their destructive

behaviors and become contributing members of the community.

JUDGE CATHERINE D. PERRY – WOMEN’S JUSTICE AWARDS: PUBLIC OFFICIAL AWARD

Chief U.S. District Judge Catherine D. Perry was honored with the 2009 Public Official Award from the 11th Annual Women’s Justice Awards presented by the *St. Louis Daily Record* and *Missouri Lawyers Weekly*. The Public Official Award is given to a woman whose work in public service significantly improves the quality of justice.



Similar to Judge Carol E. Jackson, Judge Perry is no stranger to sparking change in the legal community. Out of law school, Judge Perry joined the firm of Armstrong Teasdale. During her time at the firm, Judge Perry made partner, the firm’s first woman to do so.

As a judge for the Eastern District of Missouri, Judge Perry has focused her extracurricular efforts on community outreach. Judge Perry strives to teach citizens about government and the role of the judiciary, allowing them to become knowledgeable civic participants. The Judicial Learning Center in the Thomas F. Eagleton Courthouse in St. Louis, Missouri is a facility which engages visitors through various exhibits and interactive displays. Judge Perry is a frequent speaker and participant in community outreach events at the Thomas F. Eagleton Courthouse in St. Louis, Missouri.

JUDGE E. RICHARD WEBBER – THEODORE M. MCMILLIAN JUDICIAL EXCELLENCE AWARD

Senior U.S. District Judge E. Richard Webber was selected to receive in 2009 the Theodore M. McMillian Judicial Excellence Award. The award was created to recognize jurists who, by virtue of their integrity, leadership, and diligence in the pursuit of the efficient administration of justice, inspire other members of the judiciary to a similar noble purpose.



In an interview with *ESQ.*, an electronic newsletter courtesy of The Missouri Bar, Judge Webber spoke of



the high honor to receive this award in tribute to a person who became a very good friend to him. Judge Webber described in the interview that being a lawyer has defined and enriched his life in many ways. Moreover, Judge Webber stated how deeply proud he is to be a lawyer, which continually strengthens his dedication to the administration of justice.

JUDGE THOMAS C. MUMMERT III – PRESIDENT OF THE FEDERAL MAGISTRATE JUDGES ASSOCIATION



In July 2009, U.S. Magistrate Judge Thomas C. Mummert was selected to serve as the president of the Federal Magistrate Judges Association (FMJA). The FMJA is a national organization that educates the public and other judges about the work of federal magistrate judges. Judge Mummert has served the

Eastern District of Missouri as a magistrate judge since May 15, 1995.

Highly regarded by his peers for his ability to bring two opposing sides together, Judge Mummert has had the opportunity to put those skills to good use as president of the FMJA. As president, Judge Mummert is expected to lead members in discussions over pay, benefits, and jurisdiction. As a magistrate judge for fourteen years, Judge Mummert understands the issues facing him and his colleagues both in the immediate and distant future. With his innate skill of creating an environment for consensus, the association expects progress to be made on issues facing federal magistrate judges.



FEDERAL PRACTICE SEMINAR: ACHIEVING EXCELLENCE IN FEDERAL PRACTICE

On March 11, 2009, the Federal Practice Seminar entitled “Achieving Excellence in Federal Practice: Insights and Practical Strategies” sponsored by the Federal Practice Memorial Trust in cooperation with the Bar Association of Metropolitan St. Louis (BAMSL) was held at the Hyatt Regency Riverfront Hotel. U.S. District and Magistrate Judges for the Eastern District of Missouri were in attendance for the seminar, along with approximately 350 area attorneys.

The seminar opened with welcoming remarks from Chief U.S. District Judge Carol E. Jackson followed by David W. Harlan and Mary M. Bonacorsi, Co-Chairs on the Federal Practice Memorial Trust. The seminar topics included the following:

- *Who’s Afraid of E-Discovery...Not I!*. Presented by U.S. District Judge Catherine D. Perry, U.S. District Judge E. Richard Webber, Steve Sherman of Thomas Coburn, LLP, and Tony Simon of The Simon Law Firm P.C.

- *In or Out? Evolving Evidence Issues in the Eighth Circuit*. Presented by U.S. District Judge Rodney W. Sippel, U.S. Magistrate Judge Audrey G. Fleissig, and Professor Stephen D. Easton from the University of Missouri School of Law.
- *The Clerk of Court Wants You To Know...* . Presented by Jim Woodward, Clerk of Court for the Eastern District of Missouri.
- *Reflections on Recent U.S. Supreme Court Decisions: The Essentials for Federal Practitioners*. Presented by Professor Erwin Chemerinsky, Dean from University of California – Irvine School of Law.
- *Maintaining Professionalism and Ethical Conduct in the Federal Forum*. Presented by U.S. District Judge Stephen N. Limbaugh Jr., U.S. Magistrate Judge Thomas C. Mummert, and Maurice B. Graham of Gray, Ritter & Graham, P.C.



- *Jury Trial Practice – Panel Discussion.* Discussion led by the Judges of the U.S. District Court.



From Left to Right: Attorney Maurice B. Graham, U.S. District Judge Stephen N. Limbaugh Jr., and U.S. Magistrate Judge Thomas C. Mummert lead a discussion at the Federal Practice Seminar.



U.S. Magistrate Judge Lewis M. Blanton taking notes at the Federal Practice Seminar.

CRIMINAL JUSTICE ACT (CJA) PANEL ATTORNEY SEMINAR

The seventh annual Criminal Justice Act (CJA) Panel Attorney Seminar was held May 15, 2009 at the Thomas F. Eagleton Courthouse in St. Louis, Missouri in the Jury Assembly Room. The event was sponsored by the U.S. District Court and the Office of the Federal Public Defender for the Eastern District of Missouri. Sixty-eight CJA panel and lead attorneys attended the CJA seminar. Members of the Federal Public Defender's Office, the Clerk's Office, as well as a number of U.S. District and Magistrate Judges were in attendance for the seminar.

The seminar opened with welcoming remarks from Chief U.S. District Judge Carol E. Jackson and Mr. Lee Lawless, Federal Public Defender for the Eastern District of Missouri. Seminar topics included the following:

- *Criminal Law and Procedure Opinions in the 2008-2009 Term of the United States Supreme Court: Discussion, Analysis and Predictions.* Presented by Paul Rashkind, Assistant Federal Defender for the Southern District of Florida.

- *Professional Ethics and Ineffective Assistance of Counsel Claims.* Presented by U.S. District Judge Jean C. Hamilton and Kevin Curran, Assistant Federal Defender for the Eastern District of Missouri.
- *Bureau of Prisons Family Support and Community Corrections Program.* Presented by Vashell R. Anderson, U.S. Probation Officer for the Eastern District of Missouri.
- *The Current State of the Law of Federal Sentencing.* Presented by Adam Fein of Rosenblum, Schwartz, Rogers & Glass, P.C. and Stephen Williams, Assistant Federal Defender for the Southern District of Illinois.
- *Sentencing Advocacy – Powerful Evidence, Persuasive Sentencing Memos and the Protected Trial Court Record.* Presented by Adam Fein of Rosenblum, Schwartz, Rogers & Glass, P.C., Stephen Williams, Assistant Federal Defender for the Southern District of Illinois, Diane Dragen, Assistant Federal Defender for the Eastern District of Missouri, and Amy Skrien, Mitigation Specialist and Federal Defender for the Eastern District of Missouri.
- *Automated CJA 20 Form and Update on Regulations.* Presented by Lori Miller-Taylor, Chief Deputy Clerk for the Eastern District of Missouri, and Marian Mannion, CJA Deputy Clerk.



Kevin Curran, Assistant Federal Public Defender, and U.S. District Judge Jean C. Hamilton led a panel at the seminar.

FEDERAL PRACTICE FUNDAMENTALS SEMINAR: A TUTORIAL FOR NEW PRACTITIONERS

The fifth annual Federal Practice Fundamentals Seminar, sponsored by the U.S. District Court and The Federal Practice Memorial Trust, was held October 8, 2009 in the Jury Assembly Room of the Thomas F.



Eagleton Courthouse. The seminar entitled, *Inside the Federal Courts: A Tutorial for New Practitioners*, was designed for attorneys new to federal practice. More specifically, the seminar discussed the different operations, policies, procedures, and resources that attorneys new to federal practice should be aware of before appearing in court.



Chief Deputy Clerk Lori Miller-Taylor

Chief U.S. District Judge Catherine D. Perry, Mary Bonacorsi, and Lori Miller-Taylor, Chief Deputy Clerk, welcomed the new practitioners to the seminar. Clerk of Court Jim Woodward and Coley Lewis, Policy and Research Analyst, provided a brief profile of the Eastern District of Missouri that discussed the roles of district and magistrate judges, the magistrate consent process, a statistical breakdown of the court's workload including trial starts (jury and bench), and a review of the time to disposition for civil and criminal cases.

The half-day seminar was divided into seven sessions. Session I, *Federal Civil Procedure*, was presented by Chief U.S. District Judge Catherine D. Perry, Karen Moore, Operations Manager, Denise Woodside, law clerk to Senior U.S. District Judge Donald J. Stohr, and Melanie Berg, Case Management Team Leader. This session provided an overview of the local rules and proper procedures for filing of interpleaders, removals, TROs, defaults, motions, and exhibits. Session I also discussed jury operations, informal matters, discovery disputes, case management orders, courtroom practices, and post judgment "do's and don'ts". Session I concluded with the "meet and confer" rule and communications with the court.

Session II, *Ethical Advocacy in Federal Court*, was presented by Senior U.S. District Judge E. Richard Webber, Chief Disciplinary Counsel Alan D. Pratzel, and Attorney Matt Landwehr. This session explored the ethical standards, including civility between lawyers, as they apply to federal court.

Session III, *Alternative Dispute Resolution (ADR)*, was presented by Clerk of Court Jim Woodward and Attorney James Reeves. This session provided an

explanation of the Alternative Dispute Resolution process and the benefits of mediation for civil cases.

Session IV, *An Overview of Case Management/Electronic Case Filing (CM/ECF) in the District Court and Sealed Functionality*, was presented by Michael Newsham, Software Trainer, and Kim Klein, Operations Support Unit Clerk. In this discussion, an explanation of case management including docketing and filing complaints was provided. Session IV concluded with an overview of the CM/ECF system and Public Access to Court Electronic Records (PACER).

Session V, *Criminal Practice*, was presented by U.S. Magistrate Judge Frederick R. Buckles, Attorney John Lynch, and Assistant U.S. Attorney Mike Reap. This panel provided an overview of the attorney appointment process, Criminal Justice Act (CJA) 20, 21, and 24 Vouchers, contact with the U.S. Attorney's Office, CJA Lead Panel, and other resources.



U.S. Magistrate Judge Frederick R. Buckles, Attorney John Lynch, and Assistant U.S. Attorney Mike Reap

Session VI, *Courtroom Technology*, was presented by U.S. Magistrate Judge Audrey G. Fleissig and Adam Zipprich, Courtroom Technology Administrator. This panel gave an orientation to electronic evidence presentation, smart courtroom tables, and interpretation equipment.

Session VII, *Judges' Roundtable*, gave the new practitioners to federal court the opportunity to ask questions of U.S. District and Magistrate Judges on a broad range of topics.

THE MODEL COURT PROJECT IN KOSOVO

Clerk of Court Jim Woodward joined a team of volunteer court administrators from the United States who traveled to Kosovo in October 2009 to assist an ongoing Rule of Law project funded by the U.S. Agency for International Development (USAID). Kosovo is Europe's youngest nation, having declared



independence from Serbia on February 17, 2008. But Kosovo is also Europe's poorest nation, and is still struggling to recover after the NATO military intervention that occurred in 1999, ending a long period of ethnic violence against the Albanian population. Woodward was asked to partner with USAID's full time consultants in Kosovo who have spent nearly three years designing a Model Courts Program for the judiciary.



Clerk of Court Jim Woodward outside the United States Agency for International Development (USAID) in Prishtina, Kosovo.

Woodward's assignment was to visit four court locations in Kosovo to confer with court administrators concerning the organization of local court operations, techniques for better management of court records and caseload improvements. He also took part in discussions with the president judges in the courts he visited about ideas for enhancing communication and outreach with the public, in order to restore citizens' trust and confidence in the judicial system. Woodward reported that significant progress in Kosovo has been made with technical and financial support of the United States and other nations, but much work remains to be done. "The work", he stated, "is not easy and success appears at times to be hard to achieve, and perhaps equally hard to sustain. But the U.S. team seems to have the determination and professional skills to reach the goal of a high quality system of courts and justice for the people of this newly independent nation. It would be hard not to be impressed by this dedication." Woodward's assignment in Kosovo was from October 10 to October 24, 2009.

CRIMINAL JUSTICE ACT (CJA) ATTORNEY APPOINTMENTS

Tables 5-7 provide a profile of attorney appointments/assignments in criminal cases over the past three calendar years (2007-2009). Attorney appointments are made under the Criminal Justice Act and from the Federal Public Defender's Office, while

other attorney assignments occur when counsel is retained by a defendant.

LEGEND FOR TABLES 5-7		
CJA = Criminal Justice Act	FPD = Federal Public Defender	RET = Retained

TABLE 5: CLIENT REPRESENTATIONS ¹ January 1 – December 31 Reporting Period				
Appointment	2007	2008	2009	Total
CJA	380	424	432	1236
FPD	899	1099	930	2928
RET	555	611	639	1805
Total	1834	2134	2001	5969

1 – Includes multiple appointments in a single case as well as appointments in probation and supervised release revocation proceedings.

The total number of attorney appointments (CJA and FPD) decreased 10.6 percent from 2008 to 2009 (1523 v. 1362). In comparison to 2007, the total number of attorney appointments in 2009 (CJA and FPD) increased 6.5 percent (1279 v. 1362).

In 2009, 31.7 percent of the attorney appointments were CJA (432 CJA appointments), while in 2008, CJA appointments accounted for 27.8 percent (424 CJA appointments) of attorney appointments. CJA appointments increased 1.9 percent from 2008 to 2009 (424 v. 432).

FPD appointments made up 68.3 percent of the attorney appointments in 2009, while in 2008, FPD appointments accounted for 72.2 percent of attorney appointments. FPD appointments decreased 15.4 percent from 2008 to 2009 (1099 v. 930). When comparing 2007 to 2009, FPD appointments increased 3.4 percent (899 v. 930).

TABLE 6: CJA BY NUMBER OF APPOINTMENTS PER ATTORNEY January 1 – December 31 Reporting Period				
Appointment	2007	2008	2009	Total
1-3	53	57	50	160
4-9	16	13	14	43
10 or more	11	14	17	42
Total	80	84	81	245



Appointment	2007	2008	2009	Total
CJA	380	424	432	1236
FPD	899	1099	930	2928
Total	1279	1523	1362	4164

The number of private counsel retained by defendants increased 4.6 percent from 2008 to 2009 (611 v. 639), while from 2007 to 2008 (555 v. 611), there was a 10.1 percent increase in the number of private counsel retained by defendants.

Criminal defense representation (including CJA, FPD, and RET) decreased 6.2 percent from 2008 to 2009 (2134 v. 2001). When comparing criminal defense representations from 2007 to 2009, representation increased 9.1 percent (1834 v. 2001). From 2007 to 2009, on average, there were 412 CJA appointments, 976 FPD appointments, and 602 defendants retained counsel.

REVISIONS TO LOCAL RULES

The court approved several amendments to Local Rules in 2009. An amendment to Local Rule 6.03 was the result of a recommendation from the Alternative Dispute Resolution Advisory Committee. A new paragraph was added to Rule 6.03 to incorporate the specific qualifications for certification as a neutral in the ADR program. While these requirements have been in place since the program began, the certification criteria were not previously incorporated into the ADR rules. Additionally, the advisory committee suggested and the court approved an addition to this rule that clarifies for those attorneys who are certified as neutrals but are not members of the bar of this district court that they are bound by the same rules of professional conduct as other members of the bar authorized to practice in the Eastern District of Missouri.

In response to an increase in the use of electronic communication devices by spectators in courtrooms, the court approved an amendment to Local Rule 13.02. While photography, recording and broadcasting from any courtroom are activities already prohibited by Rule 13.02, there was no specific provision in the rule dealing with such activities as Twitter, Facebook, email and text messaging by spectators using cell phones and blackberries while observing courtroom proceedings. The amendment grants a judge the discretion to prohibit spectators from using laptop computers, cell phones or other electronic communication devices in any courtroom. This provision is not intended to bar the

use of such devices by counsel involved in a case before the court.

The court also reexamined its policy for protecting certain sensitive information filed in criminal cases. In an amendment to Local Rule 13.05(B), a provision was added to restrict public access to search warrant documents for a period not to exceed six months. When the government seeks an order sealing a document filed pursuant to F.R.Cr.P. 41, the motion must set out the date on which the sealing order will expire without further order of the court. The changes provided in this amendment are applicable to documents filed on and after the effective date of the amended rule.

With a goal of making federal rules for calculating time periods simpler, clearer and consistent, the United States Supreme Court in March 2009 approved numerous amendments to the Federal Rules of Civil Procedure and the Federal Rules of Criminal Procedure. Amendments to various local rules became necessary to maintain consistency, because the federal rules for calculating time periods also apply to them. In the revised federal scheme, a simple “days are days” approach was adopted for computing deadlines, counting all intermediate weekends and holidays when calculating any time period provided by rule. All periods shorter than thirty days were revised to be multiples of seven, to reduce the likelihood of a deadline date falling on a weekend. In total, this new approach to calculating time periods affected ninety-one federal rules.

As a result, the district court conducted a comprehensive review of local rules and identified eleven rules with deadlines requiring adjustments to be compatible with the new federal rules. These conforming amendments became effective on December 1, 2009 and affected the following local rules:

- Rule 2.06 (C)
- Rule 9.01 (D)
- Rule 2.08 (A)
- Rule 9.02
- Rule 4.01 (B) (C)
- Rule 10.02 (D)
- Rule 6.02 (B)
- Rule 10.03 (B) (C) (D)
- Rule 8.02
- Rule 13.05 (B)
- Rule 8.03



JURY MANAGEMENT PLAN REVISIONS

The jury management plan for the Eastern District of Missouri concerning the random selection of grand and petit jurors was amended by the court on September 4, 2009 and subsequently approved by the Eighth Circuit Judicial Council on October 2, 2009. The modifications to the jury management plan are listed below:

1. Potential jurors are permitted to complete and submit on-line qualification questionnaires and other forms electronically through eJuror.
2. Grand juries sitting in any division are permitted to indict for any offense in which the venue originated within the Eastern District of Missouri.
3. The automatic hardship excuse no longer applies to practicing attorneys, physicians, or dentists.

CASE MANAGEMENT/ELECTRONIC CASE FILING (CM/ECF)

TRAINING AND SUPPORT

The Eastern District of Missouri provided users of CM/ECF with various levels of support and training opportunities during 2009. Listed below are the newest resources made available to CM/ECF users:

- A new help desk technician was hired to expand the capability and flexibility of the Information Systems Department (ISD).
- CM/ECF training classes for legal professionals and support are available each month.
- The website of the U.S. District Court offers access to on-line training, the CM/ECF Administrative Procedures Manual, criminal and civil events list, and the local rules.
- The Automation Help Desk is available during courthouse hours to internal and external users.
- Sealed information and docketing on a case made available to attorneys involved in the proceedings.
- Transcripts are made available upon request after a waiting period of ninety days.

PARTICIPATION

Listed below are the participation numbers for CM/ECF in 2009:

- *Attorney Registration Totals* – As of December 31, 2009, 10,019⁹ attorneys have created an account for electronic filing with the U.S. District Court since its launch in 2003. Of that number, 6,296¹⁰ attorneys currently utilize electronic filing with the court. Of 6,296, 5,243¹¹ attorneys are active.
- *Calendar Year Attorney Registrations* – From January 1 to December 31, 2009, there were 359 new attorney registrations for electronic filing, while in 2008, there were 855 new attorney registrations for electronic filing.
- *Attorney Docketing* – In 2009, attorneys logged 52,698 transactions in CM/ECF. This is a 7.4 percent increase in the number of logged transactions from 2008 to 2009 (49,060 v. 52,698).
- *Staff Docketing* – In 2009, court personnel and judges logged 127,303 transactions in CM/ECF. This is a 3.9 percent increase in the number of transactions logged by court personnel from 2008 to 2009 (122,535 v. 127,303).

JUDICIAL BUSINESS OF THE UNITED STATES DISTRICT COURT

CALENDAR YEAR 2009 CASELOAD HIGHLIGHTS

Refer to Appendices B-G (pgs. 51-56) for complete Calendar Year Caseload 2009 Reports

Civil Case Information

- New civil filings increased 4.1 percent from 2008 to 2009 (2281 v. 2374). This includes 241 cases transferred to the Eastern District of Missouri by the Judicial Panel on Multidistrict Litigation. In St. Louis (Eastern Division), civil case filings increased 4.6 percent from 2008 to 2009 (2033 v. 2126). Civil filings in

⁹ This number includes every attorney who has used electronic filing with the court since 2003.

¹⁰ This number represents the cumulative total of attorneys who utilize electronic filing. This number includes attorneys not registered with our bar, but have been given temporary status.

¹¹ This number represents the cumulative total of attorneys who registered for electronic filing with the court.



Cape Girardeau (Southeastern Division) increased 1.7 percent from 2008 to 2009 (179 v. 182), while civil filings in Hannibal (Northern Division) decreased 4.3 percent from 2008 to 2009 (69 v. 66).

- The following noteworthy trends in new civil filings by case type were identified from 2008 to 2009 in the Eastern District of Missouri: *Contract cases* decreased 22.0 percent (336 v. 262); *tort cases* (including personal injury and personal property cases) increased 7.9 percent (445 v. 480); *civil rights cases* decreased 8.7 percent (312 v. 285); *civil rights – prisoner petition cases* increased 32.6 percent (187 v. 248); *prisoner petition cases* as a whole increased 8.9 percent (470 v. 512); *labor cases* decreased 0.8 percent (247 v. 245); *intellectual property rights cases* decreased 23.1 percent (104 v. 80); and *social security cases* increased 15.7 percent (191 v. 221).

Criminal Case Information

- Felony criminal filings in the Eastern District of Missouri increased 9.1 percent from 2008 to 2009 (762 v. 831). In St. Louis, felony criminal filings increased 8.3 percent (651 v. 705). Felony criminal filings in Cape Girardeau increased 13.5 percent (111 v. 126). In contrast, misdemeanor criminal filings as a whole decreased 30.3 percent (109 v. 76). Misdemeanor criminal filings in St. Louis decreased 42.3 percent (52 v. 30), while in Cape Girardeau, misdemeanor criminal filings decreased 19.3 percent (57 v. 46).
- Felony criminal defendant filings increased 6.4 percent (1078 v. 1147). Misdemeanor defendant filings decreased 26.6 percent (109 v. 80). Combined new criminal defendant filings (including felony and misdemeanor defendants) increased 3.4 percent from 2008 to 2009 (1187 v. 1227).
- Total criminal filings (including felony and misdemeanor criminal cases) in the Eastern District of Missouri increased 4.1 percent from 2008 to 2009 (871 v. 907). Criminal filings in St. Louis increased 4.6 percent from 2008 to 2009 (703 v. 735). In Cape Girardeau, criminal filings increased 2.4 percent (168 v. 172).

Trial Information

- Total trial starts (including jury and bench trials) in the Eastern District of Missouri decreased 20.4 percent from 2008 to 2009 (93 v. 74). Civil trial starts (including jury and bench trials) increased 25.0 percent (40 v. 50).

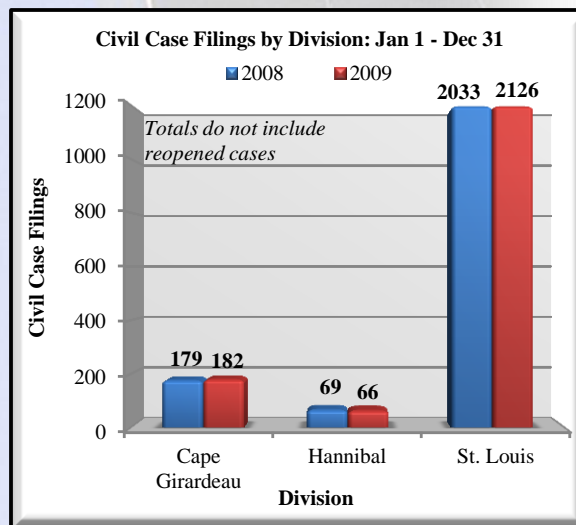
Criminal trial starts as a whole (including jury and bench trials) decreased 54.7 percent (53 v. 24) from 2008 to 2009.

- In 2009, there were 74 total trial starts (including jury and bench trials) in the Eastern District of Missouri. Of those 74 trial starts, 68 completed the trial process. Trials in 2009 had a completion percentage of approximately 92.0 percent. Of the 50 civil trial starts (including jury and bench trials), 47 completed the trial process. Of the 24 criminal trial starts (including jury and bench trials), 21 completed the trial process.

CIVIL CASES

Refer to *Appendices B-D* (pgs. 51-53) for a detailed analysis of the Civil Caseload in 2009

New civil case filings originating in the Eastern District of Missouri increased 0.7 percent from 2008 to 2009 (2119 v. 2133). Civil filings (reopened cases not included), including Multidistrict Litigation (MDL) cases transferred to the Eastern District of Missouri, increased 4.1 percent from 2008 to 2009 (2281 v. 2374). In St. Louis (Eastern Division), civil case filings increased 4.6 percent from 2008 to 2009 (2033 v. 2126). Civil filings in Cape Girardeau (Southeastern Division) increased 1.7 percent from 2008 to 2009 (179 v. 182), while civil filings in Hannibal (Northern Division) decreased 4.3 percent from 2008 to 2009 (69 v. 66).

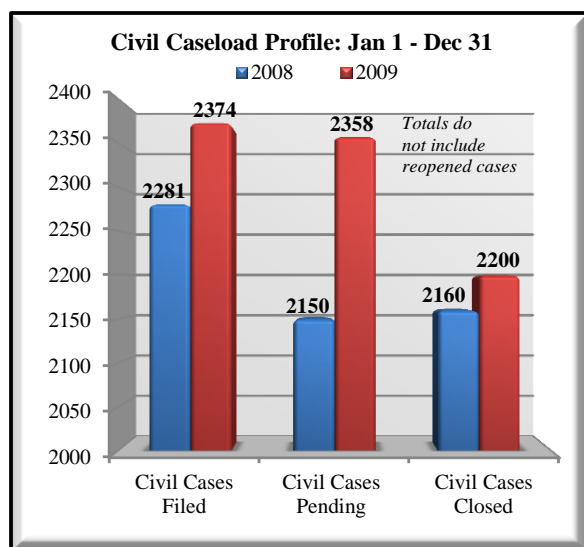


New civil cases in 2009 were filed at an average rate of 198 per month (2374 new civil filings) compared to an average rate of 190 per month (2281 new civil filings) in 2008. With MDL cases included, the overall increase in new civil filings in the Eastern



District of Missouri during 2009 was greater than the national trend, which had new civil filings in the U.S. District Courts increase 3.4 percent¹² over a twelve month reporting period.

The termination rate for civil cases increased from 2008 to 2009 with an average rate of 183 civil case terminations per month in 2009 (2200 civil cases closed) compared to 180 civil case terminations per month in 2008 (2160 civil cases closed). The overall increase in civil case terminations was 1.9 percent from 2008 to 2009 (2160 v. 2200). While civil case terminations increased during 2009 in the Eastern District of Missouri, at the national level, the increase in civil case terminations was 12.4 percent¹³ over a twelve month reporting period.



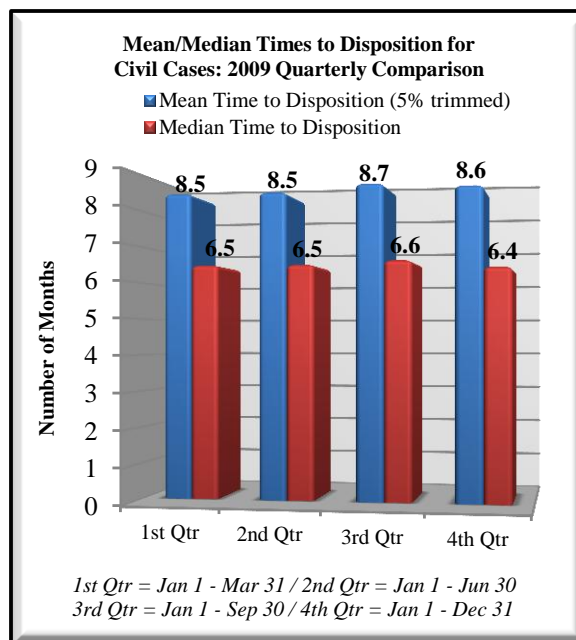
The inventory control index¹⁴ is a court performance measure that identifies the number of months it would take to dispose the pending civil caseload based on the average monthly termination rate of the court for the previous twelve months. As of December 31, 2009, the inventory control index of the Eastern District of Missouri was 12.9, higher than the index of 11.9 as of December 31, 2008.

¹² New civil filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C – U.S. District Courts: Civil Cases Commenced, Terminated, and Pending*).

¹³ Civil case terminations for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C – U.S. District Courts: Civil Cases Commenced, Terminated, and Pending*).

¹⁴ The inventory control index represents the number of months it would take to dispose the pending civil caseload based on the court's average monthly termination rate for the previous twelve months (assuming that no new civil cases were filed). A decline in the index suggests more terminations, fewer pending cases, or both.

Along with civil case terminations increasing as previously mentioned, the number of pending civil cases increased 9.7 percent from 2008 to 2009 (2150 v. 2358). The increase in pending civil cases is in part due to the number of MDL cases transferred to the Eastern District of Missouri in 2009 for pretrial case management, by order of the Judicial Panel on Multidistrict Litigation. At the national level, U.S. District Courts observed an increase of 4.3 percent¹⁵ in pending civil cases. The average age of the pending civil caseload in the Eastern District of Missouri as of December 31, 2009 was 14.0 months¹⁶.



The mean time to disposition¹⁷ for all civil cases termed during 2009 was 8.6 months, which was slightly higher than the mean time to disposition of 8.4 months for all civil cases termed during 2008. In addition, the median time to disposition¹⁸ in 2009 was 6.4 months,

¹⁵ Pending civil cases for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C – U.S. District Courts: Civil Cases Commenced, Terminated, and Pending*).

¹⁶ The average age of the pending civil caseload is calculated by adding the number of days since filing for eligible cases and dividing it by the number of pending civil cases. The count excludes the following from the calculation: reopened cases; cases pending less than 60 days; and cases in unassigned.

¹⁷ The mean time to disposition reported is 5 percent trimmed, which means that the lowest and highest 2.5 percent of disposition times are excluded from the calculation of the mean. The trimming of the mean reduces the effect of extreme values on the calculated mean.

¹⁸ The median time to disposition is the time period from filing to disposition at the midpoint of all the disposition times ranked from highest to lowest. The national median time to disposition from filing to disposition for civil cases excludes data from the following types



which was higher than the median time to disposition of 6.1 months for all civil cases termed in 2008. At the national level, the median time to disposition for civil cases termed during the twelve month period ended September 30, 2009 was 8.9 months¹⁹, which represented a 1.1 percent increase from the same reporting period in 2008.

MULTIDISTRICT LITIGATION TRANSFER CASES (MDL)

In 2009, 241 MDL cases were transferred to the Eastern District of Missouri for pretrial case management by order of the Judicial Panel on Multidistrict Litigation. The MDL transfer cases comprised 10.2 percent of civil filings in 2009. As of December 31, 2009, there were four consolidations that comprise the 561 MDL transfer cases pending in the court. The four consolidations in the Eastern District of Missouri are the following:

- 1) *Minshew et al v. Express Scripts, Inc.*
- 2) *In Re: Genetically Modified Rice Litigation*
- 3) *In Re: Celexa and Lexapro Products Liability Litigation*
- 4) *In Re: Nuvaring Products Liability Litigation*

Minshew et al v. Express Scripts, Inc. (4:05-md-01672) involves Employee Retirement Income Security Act (ERISA) cases. This MDL did not receive new filings in 2009. There are currently 20 MDL transfer cases pending in this consolidation. *In Re: Genetically Modified Rice Litigation* (4:06-md-01811) involves property damage/product liability cases. This case had 81 new filings in 2009. There are currently 275 MDL transfer cases pending in this consolidation. The first of these cases completed a jury trial in December 2009. *In Re: Celexa and Lexapro Products Liability Litigation* (4:06-md-01736) and *In Re: Nuvaring Products Liability Litigation* (4:08-md-01964) are personal injury/product liability cases. *In Re: Celexa and Lexapro Products Liability Litigation* (4:06-md-01736) had 2 new filings in 2009. There are currently 42 MDL transfer cases pending in this consolidation. *In Re: Nuvaring Products Liability Litigation* (4:08-md-01964) had 158 new filings in 2009. In this

of cases: land condemnation, prisoner petitions, deportation reviews, recovery of overpayments, and enforcement of judgments. The median time to disposition for the Eastern District of Missouri is based on all civil case types termed during a reporting period.

¹⁹ The median time to disposition for the U.S. District Courts are based on national caseload data for the twelve month period ended September 30, 2009 reported by the Administrative Office of the U.S. Courts (*Table C-5 – U.S. District Courts: Median Time Intervals from Filing to Disposition of Civil Cases Terminated, by District and Method of Disposition*).

consolidation, there are a total of 224 MDL transfer cases pending.

CIVIL CASE FILINGS BY TYPE

Refer to *Appendices E & F* (pgs. 54-55) for a detailed analysis of Civil Cases Filings by Type in 2009

There were several noteworthy trends in civil case filings by type when comparing 2008 and 2009 both locally and nationally. *Contract cases* decreased 22.0 percent from 2008 to 2009 (336 v. 262), in comparison to the national level, which observed an increase of 4.3 percent²⁰. The increase of contract actions at the national level can be partially attributed to a 73.9 percent²¹ increase in negotiable instrument filings and a 48.9 percent²² increase in marine contract actions in the twelve month reporting period ended September 30, 2009. Among tort actions, *personal injury cases* experienced an increase of 4.7 percent (359 v. 376); whereas *personal property cases* increased 20.9 percent (86 v. 104) from 2008 to 2009. Overall, *tort case filings* in the Eastern District of Missouri increased 7.9 percent (445 v. 480) from 2008 to 2009. In comparison, tort case filings at the national level increased 8.4 percent²³. This national increase is due in part to a 23.7 percent²⁴ increase in personal injury cases related to asbestos.

Civil rights cases decreased 8.7 percent (312 v. 285) from 2008 to 2009, while there was a 5.1 percent²⁵ increase in civil rights filings at the national level. *Prisoner petitions*, including among others *general and*

²⁰ Contract case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-3 – U.S. District Courts: Civil Cases Commenced, by Nature of Suit and District*).

²¹ Negotiable Instrument actions for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-2A – U.S. District Courts: Civil Cases Commenced, by Nature of Suit and District*).

²² Marine contract actions for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-2A – U.S. District Courts: Civil Cases Commenced, by Nature of Suit and District*).

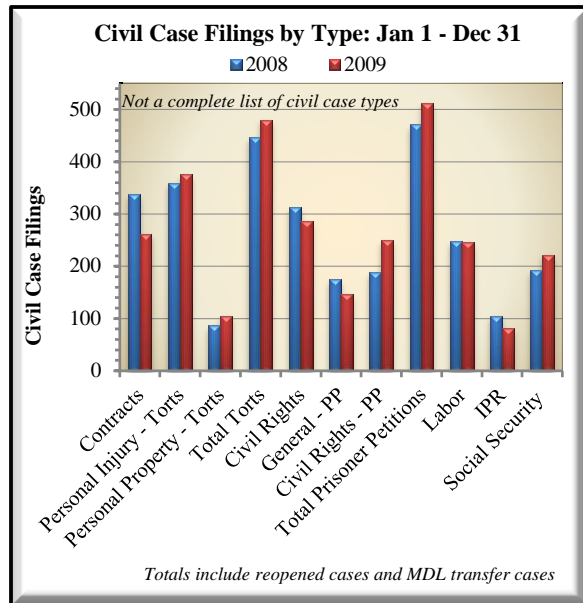
²³ Tort case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-3 – U.S. District Courts: Civil Cases Commenced by Nature of Suit and District*).

²⁴ Asbestos case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-2A – U.S. District Courts: Civil Cases Commenced, by Nature of Suit and District*).

²⁵ Civil rights case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-3 – U.S. District Courts: Civil Cases Commenced, by Nature of Suit and District*).



civil rights cases, observed notable changes to their filing trends. General cases decreased 16.1 percent (174 v. 146) from 2008 to 2009. However, prisoner civil rights cases increased 32.6 percent (187 v. 248), in comparison to a decrease of 3.3 percent²⁶ at the national level. Overall, *prisoner petitions* (PP) increased 8.9 percent from 2008 to 2009 (470 v. 512), while at the national level, there was a decrease of 4.5 percent²⁷ in total prisoner petition filings.



Labor case filings decreased 0.8 percent (247 v. 245) from 2008 to 2009, in comparison to the national level, where labor filings increased 5.5 percent²⁸. *Intellectual property rights cases* (IPR) decreased 23.1 percent from 2008 to 2009 (104 v. 80), compared to a decrease of 13.1 percent²⁹ at the national level. *Social security cases* increased 15.7 percent (191 v. 221) from 2008 to 2009, in comparison to the national level,

²⁶ Civil rights prisoner petition case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-3 – U.S. District Courts: Civil Cases Commenced, by Nature of Suit and District*).

²⁷ Prisoner petition case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-3 – U.S. District Courts: Civil Cases Commenced, by Nature of Suit and District*).

²⁸ Labor case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-3 – U.S. District Courts: Civil Cases: Commenced, by Nature of Suit and District*).

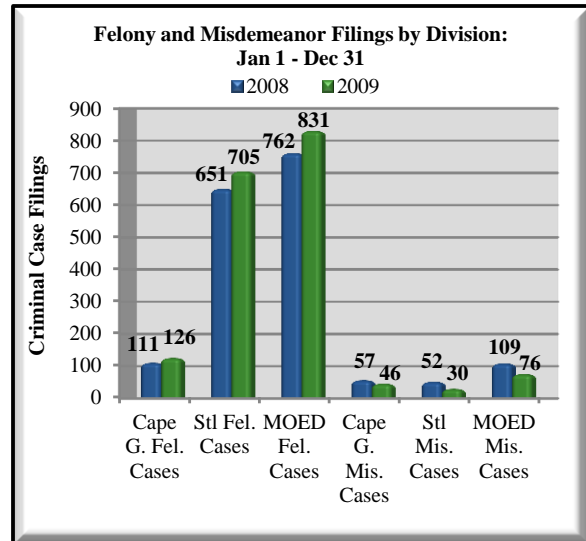
²⁹ Intellectual property rights case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-3 – U.S. District Courts: Civil Cases Commenced, by Nature of Suit and District*).

where social security filings increased 3.7 percent³⁰. *Other Statute filings* observed a significant increase in 2009. From 2008 to 2009, other statute filings increased 62.7 percent (142 v. 231). Included within the other statute case type are actions such as “Banks and Banking”, “Commerce”, and “Consumer Credit”. The economic downturn in 2009 can be partially attributed to this increase in other statute filings. The same type of increase in filings occurred at the national level as well. In the twelve months ended September 30, 2009, consumer credit case filings observed a 52.5 percent³¹ increase.

CRIMINAL CASES

Refer to *Appendices B-D* (pgs. 51-53) for a detailed analysis of the Criminal Caseload in 2009

Felony criminal filings in the Eastern District of Missouri increased 9.1 percent from 2008 to 2009 (762 v. 831). In St. Louis, felony criminal filings increased 8.3 percent (651 v. 705). Felony criminal filings in Cape Girardeau increased 13.5 percent (111 v. 126). In contrast, misdemeanor criminal filings as a whole decreased 30.3 percent (109 v. 76). Misdemeanor criminal filings in St. Louis decreased 42.3 percent (52 v. 30), while in Cape Girardeau, misdemeanor criminal filings decreased 19.3 percent (57 v. 46) from 2008 to 2009.



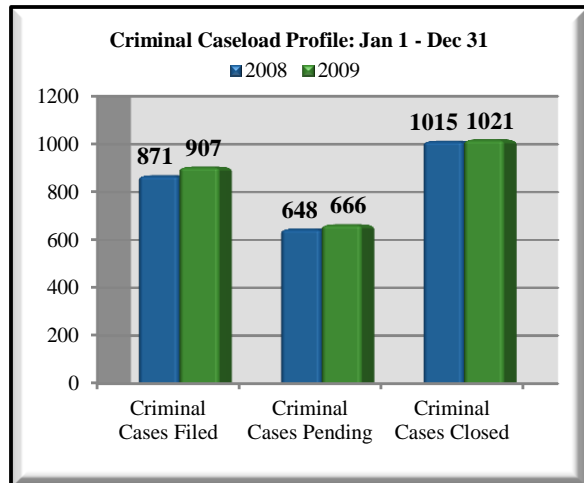
³⁰ Social security case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-3 – U.S. District Courts: Civil Cases, Commenced, by Nature of Suit and District*).

³¹ Consumer credit case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table C-2A – U.S. District Courts: Civil Cases Commenced, by Nature of Suit and District*).



New criminal filings overall (including felony and misdemeanor criminal cases) in the Eastern District of Missouri increased 4.1 percent from 2008 to 2009 (871 v. 907), while the national trend observed an increase of 8.1 percent³². New criminal case filings in calendar year 2009 (excluding probation/supervised release transfers) were filed at an average rate of 76 per month (907 new criminal filings) compared to 73 per month (871 new criminal filings) in 2008.

New criminal cases in St. Louis (Eastern Division) increased 4.6 percent from 2008 to 2009 (703 v. 735). In Cape Girardeau (Southeastern Division), new criminal filings increased 2.4 percent (168 v. 172) from 2008 to 2009. The new criminal caseload in 2009 comprised 27.3 percent of the overall workload (excluding miscellaneous cases) of the court, which is a slightly larger amount than it represented in 2008 (27.1 percent).

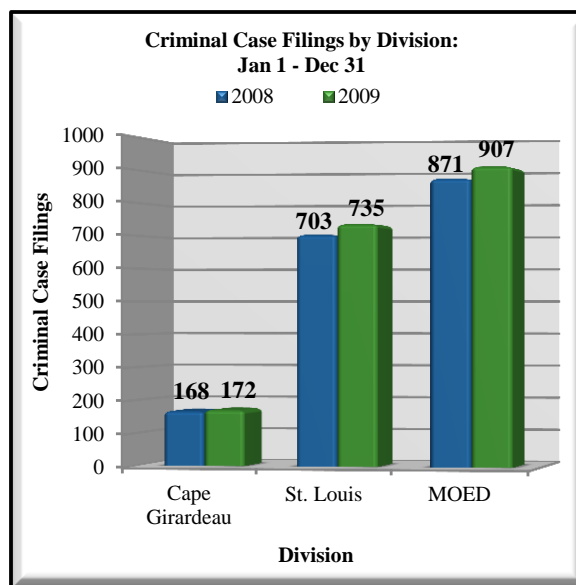


The average termination rate for criminal cases during 2009 was 85 per month (1021 criminal cases closed) compared to 85 terminations per month (1015 criminal cases closed) in 2008. As a whole, criminal case terminations increased 0.6 percent from 2008 to 2009 (1015 v. 1021), in comparison to the national level where terminations increased 6.3 percent³³. The pending criminal caseload of the court increased 2.8 percent (648 v. 666). At the national level, there was a

³² Criminal case filings for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table D – U.S. District Courts: Criminal Cases Commenced, Terminated, and Pending*).

³³ Criminal case terminations for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table D – U.S. District Courts: Criminal Cases Commenced, Terminated, and Pending*).

2.1 percent³⁴ increase in pending criminal cases. The average age³⁵ of the pending criminal caseload in the Eastern District of Missouri as of December 31, 2009 was 8.5 months.



The mean time to disposition³⁶ for all criminal cases termed in 2009 was 7.7 months, which was slower than the 7.3 months reported as the mean time to disposition in 2008. This represents an increase of 5.5 percent when comparing the mean times to disposition of 2008 and 2009 (7.3 v. 7.7). The median time to disposition³⁷ for criminal cases in 2009 was 7.0 months, which was higher than the 6.4 months reported as the median time to disposition during 2008. These numbers reflect a 9.4 percent increase in the median time to disposition from 2008 to 2009 (6.4 v. 7.0). At the national level, the median time to disposition for criminal cases for the twelve months ended September 30, 2009 was 6.5

³⁴ Pending criminal cases for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table D – U.S. District Courts: Criminal Cases Commenced, Terminated, and Pending*).

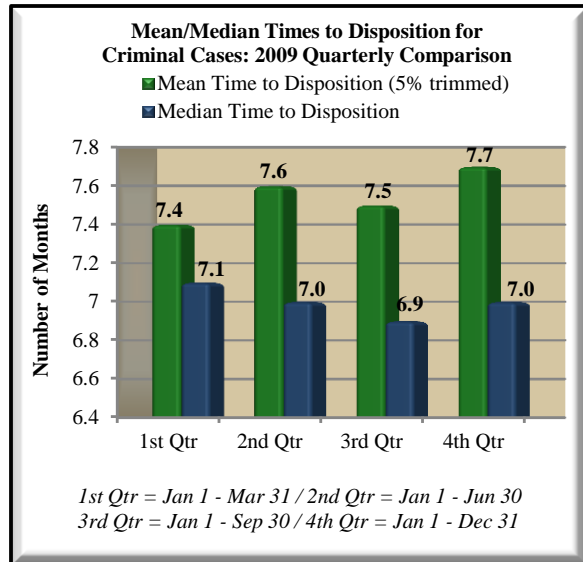
³⁵ The average age of the pending criminal caseload is calculated by adding the number of days since filing for eligible cases and dividing it by the number of pending criminal cases. The count excludes the following from the calculation: reopened cases; cases pending less than 60 days; and cases in unassigned.

³⁶ The mean time to disposition reported is 5 percent trimmed, which means that the lowest and highest 2.5 percent of disposition times are excluded from the calculation of the mean. The trimming of the mean reduces the effect of extreme values on the calculated mean.

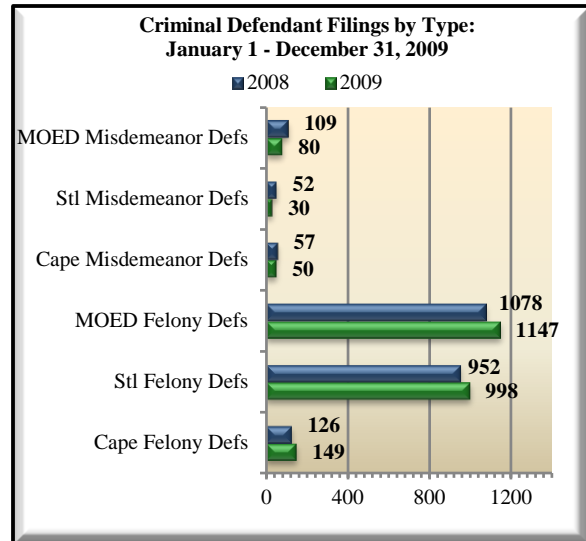
³⁷ The median time to disposition is the time period from filing to disposition at the midpoint of all the disposition times ranked from highest to lowest. The national median time to disposition from filing to disposition for criminal cases is based on all felony and Class A misdemeanor cases, but included only those petty offense defendants whose cases have been assigned to district judges. The median time to disposition for the Eastern District of Missouri is based on all criminal defendants termed during a reporting period.



months, which represented a 4.4 percent³⁸ decrease from the previous reporting period.



of 6.1 percent³⁹ in the number of new criminal defendant filings.



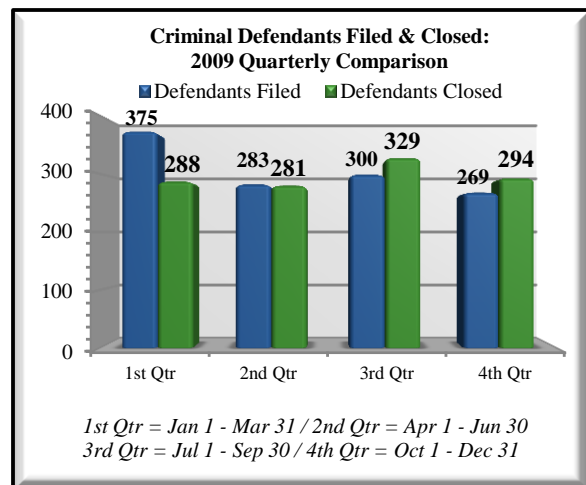
CRIMINAL DEFENDANTS

Refer to *Appendices B-D* (pgs. 51-53) for a detailed analysis of the Criminal Defendant Caseload in 2009

In St. Louis, there were 1028 criminal case defendant filings, which is a 2.4 percent increase in the number of criminal defendant filings when comparing 2008 and 2009 (1004 v. 1028). In St. Louis, there was a 4.8 percent increase in the number of felony defendants from 2008 to 2009 (952 v. 998). However, the number of misdemeanor defendants in St. Louis decreased 42.3 percent when comparing 2008 and 2009 (52 v. 30). In Cape Girardeau, there were 199 criminal case defendant filings in 2009 compared to 183 in 2008, which represents an 8.7 percent increase (183 v. 199). The number of felony defendants in Cape Girardeau increased 18.3 percent from 2008 to 2009 (126 v. 149), while misdemeanor criminal defendant filings decreased 12.3 percent (57 v. 50).

The average termination rate for criminal defendants in 2009 was 99 per month (1192 criminal defendant terminations) compared to 101 per month (1208 criminal defendant terminations) in 2008. Overall, the number of criminal defendants terminated decreased 1.3 percent from 2008 to 2009 (1208 v. 1192), while the national trend observed an increase of 4.1 percent⁴⁰ in criminal defendant terminations.

New criminal defendants (felony and misdemeanor) in 2009 were filed at an average rate of 102 defendants per month (1227 criminal defendants filed) compared to 99 per month (1187 criminal defendants filed) in 2008. In total, there was a 3.4 percent increase in new criminal defendants when comparing 2008 and 2009 (1187 v. 1227). The national level observed an increase



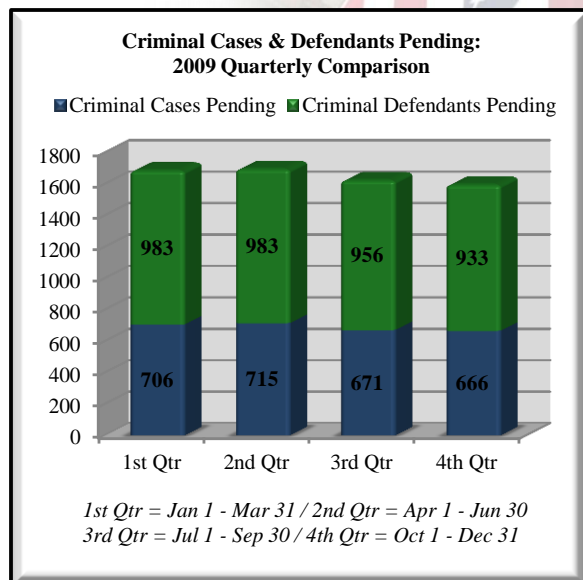
³⁸ The national median time to disposition for the U.S. District Courts is based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table D-6 – U.S. District Courts: Median Time from Filing to Disposition of Criminal Defendants Disposed of*).

³⁹ New criminal defendant filings for the U.S. District Courts are based on national caseload for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table D – U.S. District Courts – Criminal Defendants Commenced, Terminated, and Pending*).

⁴⁰ Criminal defendant terminations for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table D – Criminal Defendants Commenced, Terminated, and Pending*).



The number of criminal defendants pending increased 3.4 percent from 2008 to 2009 (902 v. 933). In comparison, the national level observed an increase of 2.3 percent⁴¹ in pending criminal defendants. From January 1, 2009 to December 31, 2009, there were a total of 1227 criminal case defendant filings (including felony and misdemeanor criminal defendants) in the Eastern District of Missouri. Of the 1227 criminal case defendants, there were 1147 felony defendants and 80 misdemeanor defendants. Compared to this same reporting period in 2008, the 1147 felony defendants represented a 6.4 percent increase (1078 v. 1147); while the 80 misdemeanor defendants represent a 26.6 percent decrease (109 v. 80).



TRIAL STARTS

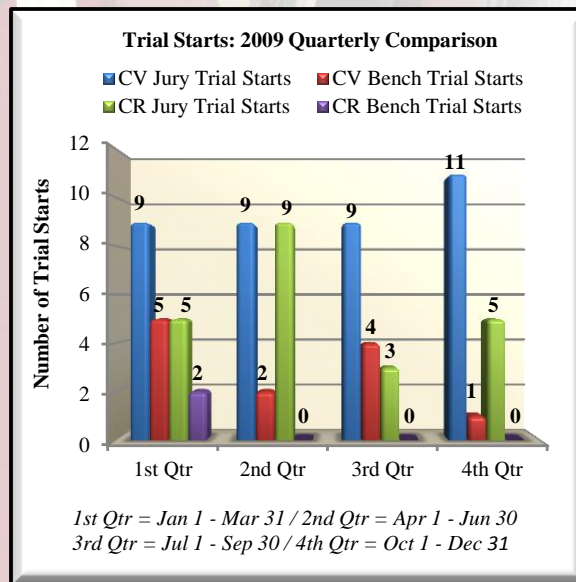
Refer to *Appendix G* (pg. 56) for a detailed analysis of Trial Starts in 2009

Trial starts overall (including jury and bench trials) in the Eastern District of Missouri decreased 20.4 percent from 2008 to 2009 (93 v. 74). Of the 74 trial starts, there were 58 in St. Louis, 13 in Cape Girardeau, and 3 in Hannibal. At the national level, trial starts (including jury and bench trials) decreased 3.5 percent⁴². Civil trial starts (including jury and bench trials) increased 25.0 percent from 2008 to 2009 (40 v.

⁴¹ Criminal defendants pending for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table D – Criminal Defendants Commenced, Terminated, and Pending*).

⁴² Civil and criminal trials starts for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table T-1 – U.S. District Courts: Civil and Criminal Trials, by District*).

50). Nationally, civil trial starts (including jury and bench trials) decreased 2.5 percent⁴³. By civil trial type, jury trial starts increased 22.6 percent (31 v. 38) and bench trial starts increased 33.3 percent (9 v. 12) from 2008 to 2009. However, at the national level, civil jury trial starts decreased 1.7 percent⁴⁴ and civil bench trial starts decreased 4.0 percent⁴⁵.



Criminal trial starts (including jury and bench trials) decreased 54.7 percent from 2008 to 2009 (53 v. 24), compared to the national level, where criminal trial starts (including jury and bench trials) decreased 4.3 percent⁴⁶. By criminal trial type, jury trial starts decreased 55.1 percent (49 v. 22), while bench trial starts decreased 50.0 percent (4 v. 2) from 2008 to 2009. At the national level, criminal jury trial starts decreased 3.1 percent⁴⁷ and criminal bench trial starts decreased 14.4 percent⁴⁸.

⁴³ Civil trial starts for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table T-1 – U.S. District Courts: Civil and Criminal Trials, by District*).

⁴⁴ Civil jury trial starts for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table T-1 – U.S. District Courts: Civil and Criminal Trials by District*).

⁴⁵ Civil bench trial starts for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table T-1 – U.S. District Courts: Civil and Criminal Trials by District*).

⁴⁶ Criminal trial starts for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table T-1 – U.S. District Courts: Civil and Criminal Trials by District*).

⁴⁷ Criminal jury trial starts for the U.S. District Courts are based on national caseload data for the twelve month periods ended

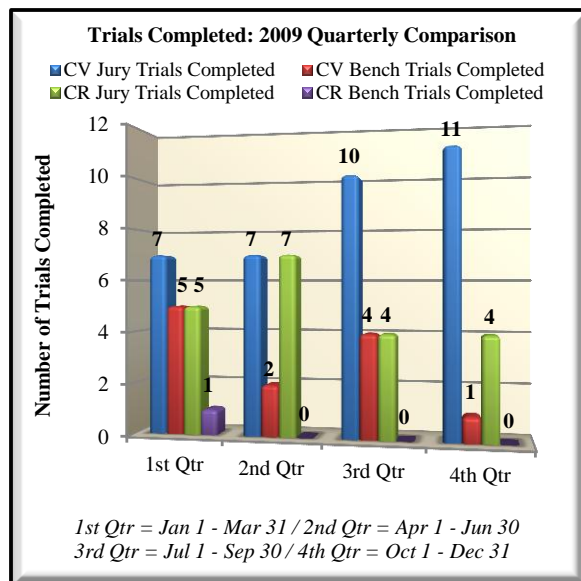


TRIALS COMPLETED

Refer to *Appendix G* (pg. 56) for a detailed analysis of Trials Completed in 2009

Trials completed is a statistic that examines the number of cases that complete the trial process. There are a number of reasons a jury or bench trial may not be completed, such as a mistrial or a case settlement. In 2009, there were 74 total trial starts (including jury and bench trials). Of those 74 trial starts, 68 completed the trial process. There were 50 civil trial starts (including jury and bench trials) and 47 completed the trial process. There were 24 criminal trial starts (including jury and bench trials) and 21 completed the trial process. Trials overall in 2009 had a completion percentage of approximately 92.0 percent. The six incomplete trials were due to 3 mistrials, 2 case settlements, and 1 voluntary dismissal.

The average length of a completed trial in 2009 (including civil and criminal trials) was 3.9 days. This average includes an extended trial of an action related to MDL consolidated cases. The average length of a civil trial (including jury and bench trials) was 3.5 days. The average length of a criminal trial (including jury and bench trials) was 4.7 days.



September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table T-1 – U.S. District Courts: Civil and Criminal Trials by District*).

⁴⁸ Criminal bench trial starts for the U.S. District Courts are based on national caseload data for the twelve month periods ended September 30, 2008 and 2009 reported by the Administrative Office of the U.S. Courts (*Table T-1 – U.S. District Courts: Civil and Criminal Trials by District*).

The median time interval from filing to trial of civil cases (including jury and bench trials) in which a trial was completed was 21.8 months, in comparison to the national level, where the median time interval from filing to trial was 25.3 months⁴⁹. The median time interval from filing to trial of completed civil bench trials was 17.0 months, compared to 22.5 months⁵⁰ nationally. The median time interval from filing to trial of completed civil jury trials was 22.8 months, compared to 26.3 months nationally⁵¹.

ATTORNEY ADMISSIONS

ATTORNEY ADMISSION STATISTICS

In 2009, there were 368 admission fees processed for newly admitted attorneys. There was a 9.5 percent increase in processed admission fees for newly admitted attorneys from 2008 to 2009 (336 v. 368).

The number of fees processed for attorneys granted pro hac vice admission was 748. This was a 2.5 percent increase in the number of fees processed for attorneys granted pro hac vice admission from 2008 to 2009 (730 v. 748).

JEFFERSON CITY CEREMONIES

Special admission ceremonies for newly licensed attorneys were conducted jointly with the U.S. District Court for the Western District of Missouri twice during 2009 in Jefferson City, Missouri. In the spring session, U.S. District Judge Rodney W. Sippel administered the oath of admission to 53 new attorneys on May 1, 2009. The number of attorneys sworn in during the spring session represented a decrease of 28.4 percent from 2008 to 2009 (74 v. 53).

In the fall session, due to the number of attorneys, there were two admission ceremonies performed on

⁴⁹ Time intervals from filing to trial of civil cases in which a trial was completed, by district during the twelve month period ended September 30, 2009 reported by the Administrative Office of the U.S. Courts (*Table C-10 – Time intervals from filing to trial of civil cases in which a trial was completed, by district during the twelve month period ended September 30, 2009*).

⁵⁰ Time intervals from filing to trial of civil cases in which a trial was completed, by district during the twelve month period ended September 30, 2009 reported by the Administrative Office of the U.S. Courts (*Table C-10 – Time intervals from filing to trial of civil cases in which a trial was completed, by district during the twelve month period ended September 30, 2009*).

⁵¹ Time intervals from filing to trial of civil cases in which a trial was completed, by district during the twelve month period ended September 30, 2009 reported by the Administrative Office of the U.S. Courts (*Table C-10 – Time intervals from filing to trial of civil cases in which a trial was completed, by district during the twelve month period ended September 30, 2009*).



September 17, 2009; one in the morning and one in the afternoon. In the morning ceremony, U.S. District Judge Rodney W. Sippel administered the oath of admission to 180 new attorneys. At the afternoon ceremony, Judge Sippel swore in 111 new attorneys. The number of attorneys sworn in during the fall

session increased 59.0 percent from 2008 to 2009 (183 v. 291). In total for 2009, there was a 33.9 percent increase in the number of new attorneys admitted to the bar of the Eastern District of Missouri from 2008 (257 v. 344).



DEPARTMENT AND UNIT REPORTS

MANAGEMENT RETREAT AND GOAL-SETTING EXERCISE

At the close of each year, the Clerk's Office Management Team meets at an offsite location to both review its performance in the year just ended as well as identify goals for the coming year. While setting the goals for the following year, the management team consults the Trial Court Performance Standards (TCPS) established by the National Center for State Courts (NCSC)⁵². The TCPS are divided into five performance areas: (1) Access to Justice; (2) Expedition and Timeliness; (3) Equality, Fairness, and Integrity; (4) Independence and Accountability; and (5) Public Trust and Confidence. Within each performance area, standards are outlined and associated measures are provided to facilitate self-evaluation. The TCPS provide a framework for assessment based on clear objectives that are hallmarks of exceptional court performance.

The long-term goals and the associated performance standards for 2009 were agreed upon by the management team at the 2008 fall annual retreat. The following were the long-term goals identified for 2009: (1) Construction Projects; (2) Cyclical Audit; (3) Implementation of New Compensation Policy; (4) Data Quality Control; (5) Community Outreach; (6) Internship Expansion; (7) CJA Voucher Process; and (8) Chambers Electronic Organizer (C.E.O.) Calendaring System.

A number of these previous objectives were fully realized in 2009. The courtroom audio upgrade for the

District Judge Courtrooms as well as the build out of two new Senior District Judge chambers on the eighth floor were completed. A cyclical financial audit was performed by the certified public accounting firm of Kearney & Company in which they reported no findings.

Moreover, a Court Compensation Plan was designed and distributed to managers and staff. The new plan will be implemented in the fall of 2010. The status of data quality control continues to be an ongoing process. Meetings are held quarterly by the Operations Department to discuss recent developments. New action for community outreach was achieved with the initiation of a series of Teacher Days in the summer of 2009. Furthermore, additional internship opportunities were made available via the website.

The internship format was also modified to include an orientation at the start and an evaluation of the experience at the end. In order to improve the CJA Voucher process, new software was installed and attorneys were trained on an automated claim form. Finally, the C.E.O. Calendaring System was tested by two chambers and was found not to be an improvement over the old system. As a result, the current calendaring system remains in place.

Table 8 (Refer to pg. 36) provides an overview of the goal-setting exercise for 2010 at the management retreat in 2009. Please note the performance standard associated with each goal.

⁵² Trial Court Performance Standards & Measurement System. (2005). *Performance Areas*. Retrieved March 1, 2010, from http://www.ncsconline.org/D_Research/tcps/index.html.



TABLE 8 – PERFORMANCE STANDARDS AND GOALS FOR 2010

Overview

LONG-TERM GOALS FROM 2009	COURT PERFORMANCE STANDARD
CONTINUITY OF OPERATIONS PLAN (COOP)	<p>Standard 4.5 – Response to Change The trial court anticipates new conditions and emergent events and adjusts its operations as necessary.</p> <p>Standard 5.1 Accessibility The public perceives the trial court and the justice it delivers as accessible.</p>
LONG-TERM GOALS FOR 2010	COURT PERFORMANCE STANDARD
CASE MANAGEMENT: Including Supporting Additional Judges, and developing core competencies for case managers; Training All Clerk’s Office staff on how case proceeds through the court; docketing by Probation/Pretrial staff.	<p>Standard 2.1 – Case Processing: The trial court establishes and complies with recognized time lines for timely case process while keeping current with its incoming caseload.</p> <p>Standard 3.6 – Production and Preservation of Records: Records of all relevant court decisions and actions are accurate and properly preserved.</p>
LAUNCHING THE IT USERS ADVISORY COMMITTEE: (Judges’ Best Practices, Technology and other IT needs in chambers and the courtroom)	<p>Standard 4.2 – Accountability for Public Resources: The trial court responsibly seeks, uses, and accounts for its public resources.</p>
STRATEGIC PLANNING	<p>Standard 3.1 – Fair and Reliable Judicial Process: The court procedures faithfully adhere to relevant laws, procedural rules, and established policies.</p>
OVERHAUL OF THE U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF MISSOURI WEBSITE	<p>Standard 1.3 – Effective Participation: The trial court gives all who appear before it the opportunity to participate effectively, without undue hardship or inconvenience.</p> <p>Standard 4.4 – Public Education: The trial court informs the community about its programs.</p> <p>Standard 4.5 – Response to Change: The trial court anticipates new conditions and emergent events and adjusts its operations as necessary.</p>
REVAMPING JURY ORIENTATION	<p>Standard 4.4 – Public Education: The trial court informs the community about its programs.</p>
MAXIMIZING THE JUDICIAL LEARNING CENTER (JLC)	<p>Standard 4.4 – Public Education: The trial court informs the community about its programs.</p>
FEDERAL PRACTICE FUNDAMENTALS: PARALEGALS & LEGAL SECRETARIES	<p>Standard 4.4 – Public Education: The trial court informs the community about its programs</p> <p>Standard 4.5 – Response to Change: The trial court anticipates new conditions and emergent events and adjusts its operations as necessary.</p>
E-PERFORMANCE	<p>Standard 4.2 – Accountability for Public Resources: The trial court responsibly seeks, uses, and accounts for its public resources.</p> <p>Standard 4.3 – Personnel Practices and Decisions: The trial court uses fair employment practices.</p>

The Trial Court Performance Standards (TCPS) listed above were established by the National Center for State Courts (NCSC).



OPERATIONS DEPARTMENT

In 2009, the structure of the Operations Department was modified not only to accommodate changing personnel, but more importantly to improve efficiency. The most significant change took place in the finance and operations departments, which merged as it relates to the cashier duties. Previously, a financial deputy was staffed in the intake area, but with the shift in 2009, intake deputies now perform case openings, assist the public, as well as accept monies for fines, bonds, copies, and new cases. The new staffing model is effective and delivers good customer service.

CM/ECF was upgraded to version 3.2.2 in 2009. The new version provided an enhancement to the reporting of crack cocaine resentencings from version 3.2.1. The U.S. Sentencing Commission in 2008 revised the sentencing guideline range for crack cocaine-related offenses. As a result, the sentences of an estimated 19,500 prisoners became eligible to be reduced. In order to accommodate this change, the CM/ECF software has been modified to capture data for the resentencings of crack cocaine-related offenses.

Thirty-three Daily Activity Reports (DARs) from the CM/ECF program are quality controlled by case managers each day. More specifically, "quality controlled" refers to checking the electronic entries for accuracy and conformity. This is just one aspect of the case managers' responsibilities. Court is covered by each case management team member for both U.S. District and Magistrate Judges, which includes entering courtroom minutes, docketing orders and other documents, as well as storing electronic recordings from the magistrate judge proceedings. The public as well as attorneys contact the case managers daily by telephone or email for questions or support. The case managers also work with the jury clerks to provide efficient jury management.

Other notable accomplishments achieved by the Operations Department in 2009 are listed below:

New Cases Opened:

- 2,374 Civil Cases
- 907 Criminal Cases
- 734 Miscellaneous Cases

Orders Processed:

- 38,592 Civil Orders
- 35,555 Criminal Orders

Electronic Filing Transactions:

- 52,698 Attorney Transactions
- 127,303 Court Personnel Transactions

Trial Starts Covered by Staff:

- 50 Civil Trial Starts – 38 Jury Trials & 12 Bench Trials
- 24 Criminal Trial Starts – 22 Jury Trials & 2 Bench Trials

Criminal Defendant Guilty Pleas, Sentencings, and Judgments Processed:

- Guilty Pleas – 1,116 defendants
- Sentencings – 1,107 defendants
- Judgments – 1,444 defendants

Multidistrict Litigation (MDL) Case Management:

- Minshew et al v. Express Scripts, Inc.
- In Re: Genetically Modified Rice Litigation
- In Re: Celexa and Lexapro Products Liability Litigation
- In Re: Nuvaring Products Liability Litigation

Transcripts Filed:

- 779 transcripts were filed by Court Reporters

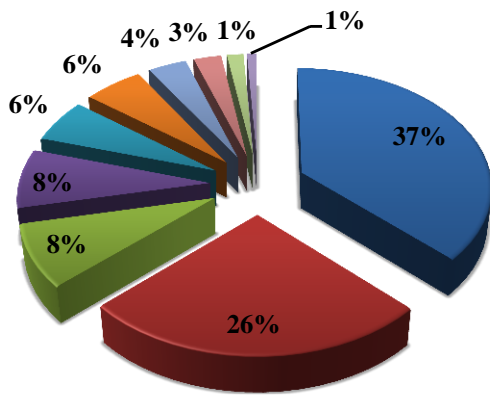
ADMINISTRATIVE SERVICES DEPARTMENT

The Administrative Services Department began 2009 preparing for a cyclical financial audit. Auditors from the certified public accounting firm of Kearney & Company were onsite in January 2009 to audit the District Court for the Eastern District of Missouri for the period of April 1, 2005 through September 30, 2008. Court staff spent time over several weeks prior to their arrival submitting reports, compiling documents, and pulling records in anticipation of this event. After two weeks of field work, the auditors concluded their work with a report citing zero findings for the District Court Clerk's Office.

This result demonstrated the continuous effort that was given by all of the staff involved, especially those in the procurement and finance areas, to assure that the proper internal policies, controls, and procedures are respected and followed on a daily basis. Considering the total funds and the number of transactions involved during this audit period, the clean report was a welcome acknowledgment of the Clerk's Office good accounting practices.



**Table 9: Eastern District of Missouri
FY-09 - Appropriated Fund Expenditures**



- Courtroom Technology
- IT Hardware & Software
- Training & Travel
- Phone Services & Maintenance
- Maintenance, Repairs, & Tenant Alterations
- Furniture & Equipment
- Office Supplies
- Postage & Parcel
- OT Utilities
- Printing

Note: The graphic above represents Non-personnel expenditures from FY-09 Appropriated Funds

conferences and served as mentors for other district courts implementing CCAM. The opportunity for finance staff to serve as mentors not only helped serve the purpose of the program initiative, but increased the staff's knowledge of different systems and procedures utilized by other district courts.

In 2009, the court implemented an enhancement to the Criminal Justice Act (CJA) payment process. An automated CJA 20 voucher that uses an Excel spreadsheet is now available and recommended for use by all appointed CJA attorneys. A test group of CJA attorneys used this new tool and found the system to be a significant improvement. There was a general consensus among attorneys that utilization of the spreadsheet streamlined the "...submission process as well as ensured accuracy with billing calculations". Subsequently, in May at the CJA Panel Attorney Seminar, a demonstration was presented and all CJA attorneys were encouraged to utilize the upgrade. Since the seminar, 44 percent of submitted vouchers have been created using the automated worksheet. Even more significant, a review of over 430 CJA 20 vouchers submitted this past year indicates the rate of error using the new system was only 17 percent. Use of the old voucher system had an error rate of 77 percent indicating a 60 percent decrease in errors using the automated form. This is an encouraging start toward standardization and the eventual e-filing of the CJA vouchers. Ongoing training sessions have been provided at the district court as well as web based training for attorneys that would like to use this new tool.

FINANCE DEPARTMENT

The U.S. District Court successfully implemented the Criminal Civil Accounting Module (CCAM) in 2008. As follow-up, the finance staff worked in 2009 to implement several other initiatives related to CCAM. Moreover, in April, the Southeastern Division office in Cape Girardeau began issuing receipts on the Cash Register (CR) system, a separate, but integral piece of the CCAM system, which is then electronically uploaded into the court's financial system.

The finance department has continued to collect criminal debt payments through the TOP (Treasury Offset Payments) system in conjunction with the Financial Litigation Unit of the U.S. Attorney's Office. The process continues to be labor-intensive, due to the holding time required before these payments are distributed. Since the inception of this program, over \$1 million dollars has been collected for the benefit of crime victims. In 2009, several staff members participated in national system development

A new CJA Web Page was made available to CJA attorneys in 2009, which provides all relevant and updated information on one easily accessible page. Currently, a court committee is investigating the development of CJA Benchmarks. The CJA Benchmarks would assist in the timeliness and efficiency of the payment process, but, also serve as a useful training tool for new CJA attorneys.

The Financial Department's disbursing support and payment certification continued during 2009 for the following ten agencies:

- U.S. District Court
- U.S. Bankruptcy Court
- U.S. Probation Office
- U.S. Pretrial Services Office
- Office of the Federal Public Defender
- Circuit Executive's Office
- U.S. Court of Appeals
- Circuit Librarian
- Staff Attorney



- Bankruptcy Appellant Panel

Listed below are the 2009 transactions from the financial department:

- \$3,160,068.74 was collected in restitution, civil garnishments, and refunds. Of the previous figure, \$546,457.03 was collected through the Treasury Offset Program.
- There were 7,651 restitution, civil garnishments, and refund payments issued to victims and creditors in the amount of \$3,147,323.09.
- The restitution balance (to be paid to victims) as of December 31, 2009 was \$665,928.66.

PROCUREMENT DEPARTMENT

The procurement department worked closely with the U.S. General Services Administration (GSA) to coordinate and schedule construction projects to curtail cold air infiltration and the build out of the Senior Judges' chambers on the 8th floor of Thomas F. Eagleton Courthouse in St. Louis, Missouri.

Display cabinets were installed in the jury assembly room of the Thomas F. Eagleton Courthouse in St. Louis, Missouri to display the artifacts unearthed from the construction at the Eagleton Courthouse site (*Refer to pg. 2*). The Management Support and the IT Departments collaborated with the procurement staff to assemble a video and informational literature for this exhibit. The exhibit details an interesting history of the area before the courthouse was built on its current site.



Some of the artifacts unearthed from the construction at the Eagleton Courthouse.

Furniture installations:

- Judge's chambers in the Rush H. Limbaugh Sr. U.S. Courthouse in Cape Girardeau, Missouri
- Senior District Judge chambers on the 8th floor of the Thomas F. Eagleton Courthouse in St. Louis, Missouri

- Systems furniture for additional law clerk for Chief Judge
- Second floor training room tables and chairs

INFORMATION SYSTEMS DEPARTMENT

The Information Systems Department (ISD) is a combined unit that provides information technology support to the U.S. District Court, which includes Chambers, the Clerk's Office, the U.S. Probation Office, and the U.S. Pretrial Services Office. One of the services ISD provides to these agencies as well as attorneys and their support staffs is a "help desk". The help desk offers technical support primarily with electronic case filing. In order to expand the capabilities of the help desk, a new help desk technician was hired in 2009 (*pg. 45 for New Hires*).

ISD was involved in a number of projects during 2009. The most prominent of them was the audio system upgrade of the district courtrooms. The renovation work in the courtrooms included new digital audio processing equipment, microphones, speakers, and touch panels. A more detailed description of the courtroom audio upgrade can be found in the section entitled "Enhancing Courtroom Technology" (*Refer to pg. 14 for Enhancing Courtroom Technology*).

In 2009, ISD was instrumental in the opening of several new office spaces for the court. First, ISD was involved in the opening of the new satellite office for U.S. Probation at the Goodfellow Federal Center in St. Louis, Missouri. ISD staff provides onsite technical support for court personnel at the Goodfellow location. In addition, ISD participated in the build out of the new senior district judge chambers on the eighth floor of the Thomas F. Eagleton Courthouse. Finally, in order to increase the availability of training facilities within the courthouse, ISD assisted in the build out of a new training room on the second floor of the Eagleton Courthouse.

Listed below are other projects completed by ISD in 2009:

- Network Servers Upgrade
- Wiring Closet Upgrade
- 10GB Switch Upgrade
- Wireless Access Points for Court Personnel
- Multimedia Kiosk in the Judicial Learning Center at the Eagleton Courthouse
- Regis Upgrade
- Inventory Data Conversion
- New Inventory System

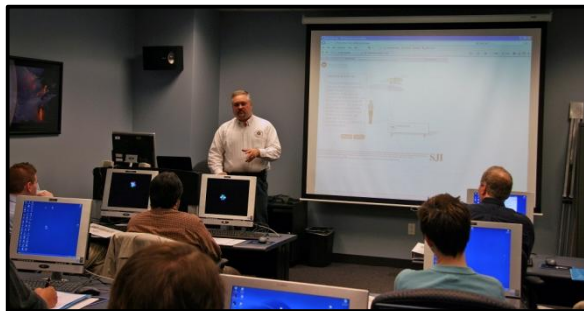


- Server UPS Upgrade
- eJuror Web Page Project

Due to a switch in the personal computer vendor of the court, ISD had to complete FY-08 and FY-09 cyclical personal computer replacements in 2009: Listed below are the cyclical replacements that were made in 2009:

- 82 personal computers and 26 laptops in U.S. Probation.
- 113 personal computers and 22 laptops in the Clerk's Office and Chambers.
- 4 personal computers and 1 laptop in U.S. Pretrial Services.
- Replaced 35 printers and installed 7 new color printers in Chambers.
- New scanners were installed in the Clerk's Office and the U.S. Probation Office.

Throughout the year, ISD offers a variety of training opportunities for court personnel. These training classes allow staff to develop new skills or refine old ones. Members of ISD also participated in outside training in order to improve their job performance. Listed below are the internal and external training offered and attended in 2009:



Tad Biggs, ISD Manager, instructing District Court personnel on E-Pro Se in the ISD training room at the Eagleton Courthouse.

2009 Internal Training Offered to Court Personnel:

- E-Pro Se Training for U.S. District Courts
- First Responder to Digital Evidence Program (FRDE)
- Financial Forensic Techniques Training Program (FFTTP)
- FBI Image Scan
- National Law Enforcement and Corrections Technology Center (NLECTC) Field Search
- Blackberry Training
- CM/ECF WebEx Training
- Computer Security Training
- Winamp Installation and Training
- Courtroom Audio Training
- New Hire IT Training

- New Probation Officer Training
- JPORT Training
- Judicial Online University (JOU) Training
- InfoWeb Training
- How to Purchase a Computer Training
- Five Dysfunctions of a Team Training
- Customer Service Training
- Computer Security

2009 External Training Attended by ISD Staff:

- Circuit IT Conference in Clearwater Beach, Florida
- National Center for State Courts (NCSC) Courtroom Technology Conference in Denver, Colorado
- Windows Server 2008 Training
- Windows Server 2008 and Windows 7 Seminar
- CM/ECF Forum
- CM/ECF Programming with HSGS & Perl
- HRMIS Leave Tracking Training
- Adobe InDesign CS4 Training
- Microsoft Project Server
- Procurement Training
- Symantec Endpoint Protection
- Federal Law Enforcement Training Center (FLETC) – Digital Evidence Acquisition Specialist Training Program (DEASTP)
- FLETC – Seized Computer Evidence Recovery Specialist (SCERS)
- FLETC – Mobile Device Investigations Program (MDIP)
- FLETC – First Responder to Digital Evidence Program (FRDE)
- Performance Management
- eOPF Training

MANAGEMENT SUPPORT DEPARTMENT

Management Support is a diverse department that performs an assortment of duties including, but not limited to attorney admissions, naturalization support, ADR support, research and development, statistical analysis, and telecommunications service. With the addition of new personnel in 2009, management support has expanded its level of service to include responsibilities at the intake area of the Clerk's Office.

Management Support divides its resources into four main areas: (1) Courthouse Events and Information; (2) CM/ECF Assistance; (3) Telecommunications; and (4) Statistical Reporting and Analysis. Under courthouse events and information, management support completed the following projects:



- Created pamphlets and brochures for public exhibits hosted by the Judicial Learning Center (JLC).
- Coordinated with outside agencies to provide courtrooms for the use of visiting judges.
- Revised and created various internal manuals, brochures, pamphlets, and newsletters.
- Coordinated and clerked at monthly naturalization ceremonies.
- Assisted with the planning and preparation of information at the CJA Seminar and Federal Practice Fundamentals Seminar.
- Assisted with the planning of courthouse event such as Teacher Days.

For CM/ECF assistance, management support performed the following responsibilities:

- Provided scanning, docketing, appeal processing, and intake assistance with CM/ECF.
- Maintained Northern Division Court docket
- Provided case reports to various public researchers.
- Performed disbursing clerk duties.

The court's telephone administrator performs all telecommunications functions for over 600 court personnel. In 2009, the telephone administrator completed the following projects:

- Engineered, programmed, and installed 40 analog circuits supporting the District Court's Telephone Interpreting Program (TIP).
- Provided improvement to customer dBase and commercial telemanagement software.
- Provided technical support to various court units with telecommunications discrepancies.
- Programmed and installed cabling and digital equipment supporting the U.S. Probation Office's "Comply Program".
- Procured equipment and developed a wireless telecommunications environment in each chambers of the Eagleton Courthouse.
- Programmed and installed equipment providing teleconferencing capability to all telephone jacks in the Eagleton Courthouse.

Regarding statistical reporting and analysis, the court's policy and research analyst completed the following projects in 2009:

- Prepared reports based upon data tabulated from various court surveys.

- Created and distributed monthly and quarterly statistical reports on various facets of the court's caseload.
- Provided monthly analysis and reports concerning the status of the ADR program.
- Created and distributed the monthly State of the Docket reports.
- Assisted in the development of reports to monitor the status of court programs and objectives.
- Prepared Annual Report for the Clerk's Office with the support and input from managers and staff members.

HUMAN RESOURCES DEPARTMENT

It was a busy year for the Human Resources Department of the District Court in 2009. Within the Federal Judiciary, there were many changes and enhancements to the HR function that affected all courts. The most significant change for the Judiciary was the push to go paperless. During 2009, the Human Resources Department began processing new hire paperwork, payroll, and benefit transactions on-line, instead of mailing a paper copy to the AO. In addition, the Federal Judiciary has discontinued mailing paper earnings statements to employees and made them available on-line. In addition, employees' personnel files were scanned and now are stored electronically. There are no more paper copies. By going paperless the Judiciary has enjoyed significant savings on mailing expenses and paper. In addition to saving money, going paperless helps the environment and has improved business continuity in the event of an emergency.

The court is committed to helping our employees grow and develop personally and professionally. During 2009, the court provided many training and development opportunities for employees. Courses on benefits, teamwork, estate planning, personal safety, health, nutrition, and many others were offered to help employees increase their knowledge and skills.

JURY UNIT

In 2009, the Jury Unit sent out 26,805 juror qualification questionnaires to prospective jurors and 10,674 people were summoned for jury service.

The Jury Unit from the Eastern District of Missouri participated with a select group of District Courts in the development and testing of the eJuror Web-based Program in 2009. The eJuror program enables jurors to complete and submit their initial juror qualification



questionnaires and juror information, if summoned, via the internet. Once registered, jurors can update their information, check their juror status, request an excuse or deferment, and obtain reporting instructions online. From the six months ended December 31, 2009, eJuror was used in the completion of 1,431 qualification questionnaires and 2,152 juror information forms. Going paperless expedites the collection and processing of juror information, and is a convenience to prospective jurors.

Effective October 2, 2009, amendments to the jury management plan were approved. Among others, the automatic hardship excuse no longer applies to practicing attorneys, physicians, or dentists.

The work of the Jury Unit plays a significant role in the NSSC rate (*Refer to pg. 4*) of the U.S. District Court for the Eastern District of Missouri. The proof is evident in the numbers: the court finished ninth nationally out of ninety-four district courts; second among courts with six or more Article III judges; and second in the Eighth Circuit. The proof exists not only in the statistics, but also in the public comments made in the jury surveys. A number of former jurors made mention in their exit surveys (*Refer to pg. 3*) about the professionalism of the Jury Unit staff, and an overall positive impression of their jury experience.

TEAM DEVELOPMENT - RETREAT

On August 5, 2009, court personnel of the Clerk's Office visited the Westin St. Louis for the fifth annual team development experience organized by the Team-Building Committee. Attendance at the program was voluntary. There were 24 employees from the Clerk's Office who participated in this event. The team development program was facilitated by Team Builders of Webster Groves, Missouri.

There were two primary goals for this team development experience: (1) encourage teamwork among court personnel; and (2) develop leadership skills. One of the activities court personnel were asked to engage in was a bridge building activity. In this challenge, individuals were grouped into teams and assigned to build a prototype of a bridge based on a given scenario. The designing, planning, and building of the bridge tested each team's creativity, practicality, and adaptability to the ever-changing conditions of the task. When finished, teams were asked to display their bridges and explain the methodology applied to reach its completion. Although the bridge was the tangible product of the exercise, the level of group performance was the desired end. The task required team members

to communicate, pool their talents, and multi-task in order to successfully complete this activity.



Participants from the Clerk's Office at the team development experience

FEDERAL COURT CLERKS ASSOCIATION CONFERENCE (FCCA)

The 2009 FCCA Conference was held in Detroit, Michigan from July 18 to July 23. The conference is a combination of diverse educational workshops, panel discussions, and roundtable sessions. Attendees include court management and support personnel from across the country. It is the primary goal of the conference to promote professional development among attendees as well as to preview technological innovations assured to increase efficiency and effectiveness in the field of court management. The following members of the Clerk's Office attended the conference: Bill Fauks, Coley Lewis, David Robinson, and John Stanka. Clerk of Court Jim Woodward participated in the conference as a course instructor for Caseflow Management.



From Left to Right: John Stanka, Coley Lewis, Jim Woodward, David Robinson, and Bill Fauks

The conference offered a diverse selection of professional development workshops such as overcoming the five dysfunctions of a team, project management, business etiquette, and financial management. The conference also offered credit-bearing courses sponsored through Michigan State University. Combined with additional coursework, this



conference may serve as a jumping off point to the completion of a credit-bearing or noncredit judicial administration certificate. The coursework presented at this conference could also be applied to Master of Science of Criminal Justice degree with a specialization in judicial administration.

In addition to the coursework, conference participants were given the opportunity to visit various sites in Detroit such as The Henry Ford Museum, Hitsville USA (Motown Museum), and The Charles H. Wright Museum of African American History. During these excursions, attendees had the chance to interact with their professional counterparts from other district courts. The conference served as a valuable learning experience for attendees both professionally and personally.

COMMUNITY SERVICE

HABITAT FOR HUMANITY SERVICE PROJECT

On June 6, 2009, a group of 16 volunteers from the Clerk's Office donated their time and talent to a building project for Habitat for Humanity. The primary mission of Habitat for Humanity is to replace substandard housing with a decent, safe, and affordable place to live. The build site was in the JeffVanderLou Neighborhood in St. Louis, Missouri. The volunteers spent a full-work day engaged in challenging manual labor that left each individual tired and satisfied from their efforts at the close of the day.



Volunteers from the Clerk's Office

The group of volunteers was assigned the task of completing the final stages of home building, which included painting, building the porch, finishing the framing, cutting bricks, and cleaning up. The future homeowner was on hand and contributed to the effort. She was very grateful for the work of the volunteers.

Through teamwork, cooperation and hard work, the volunteers achieved the project goal by the end of the day. This was teambuilding with a special purpose.

On August 2, 2009, at the dedication ceremony of the home, a representative from the Clerk's Office presented the new homeowner with a check from the results of a fund-raising effort organized by court employees. She was flattered by the support given to her by members of the Clerk's Office.

RACE FOR THE CURE

On June 13, 2009, the 11th Annual Susan G. Komen St. Louis Race for the Cure was held in downtown St. Louis. A group from the U.S. District Court including U.S. District Judge E. Richard Webber and his wife, Peggy, participated in this worthy event. There were approximately 66,000 participants in the 5k event comprised of breast cancer survivors, family, friends, and supporters. The event raised \$3.25 million for breast cancer screening, treatment, education, and research for the St. Louis community⁵³.



U.S. District Judge E. Richard Webber and his wife, Peggy, with supporters from the U.S. District Court Family

SAINT LOUIS CRISIS NURSERY

On December 5, 2009, members of the U.S. District Court visited Saint Louis Crisis Nursery to provide a Christmas party for the children. The Saint Louis Crisis Nursery (SLCN) is an independent, not-for-profit agency funded by donations and committed to preventing child abuse and neglect by providing short-term, emergency shelter for children, birth through age

⁵³ St. Louis Affiliate of Susan G. Komen Race for the Cure. (n.d.). Retrieved March 1, 2010, from <http://www.komenstlouis.org/site/News2?page=NewsArticle&id=5449>.



12, whose families are faced with emergencies or who are in crisis⁵⁴.

In order to celebrate the season, court volunteers brought in a large paper Christmas tree, which was hung on a wall and decorated with ornaments by the children. Once the tree was trimmed, the children had a visit from Santa Claus, who passed out presents that court volunteers purchased for the children. Each child got a picture with Santa Claus and it was placed in a card that they could color later. After opening presents, the volunteers and the children decorated cookies. To conclude the day, the volunteers and the children sang Christmas carols. The volunteers left that day proud that they were able to bring joy into these children's lives.



Volunteers from the Clerk's Office

▪ Crisis Nursery	\$105
▪ <i>Total</i>	<i>\$980</i>

In 2009, the Clerk's Office raised \$1,330.00 in private charitable contributions. Volunteers from the Clerk's Office also participated at the *Motion for Kids* event (formerly Project Angel Tree) sponsored by the Bar Association of Metropolitan St. Louis and the St. Louis Rams on December 19, 2009. The event welcomed more than 3,000 local children from low-income families in the St. Louis area.



Members of the District Court Family and Sean Walker of the St. Louis Rams

CHARITABLE CONTRIBUTIONS

The following private charitable contributions were made in 2009 as a result of the Hospitality Committee's fund-raising efforts and the generosity of individual Clerk's Office staff members.

Memorials:

▪ Race for the Cure	\$50
▪ St. Louis Symphony	\$50
▪ Southminister Presbyterian Church	\$50
▪ American Heart Association	\$50
▪ Parkinson's Research	\$50
▪ Missouri Veterans Home	\$50
▪ Haven of Grace	\$50
▪ <i>Total</i>	<i>\$350</i>

Fund-Raising

▪ Junior Achievement	\$100
▪ Susan G. Komen (Passionately Pink)	\$300
▪ Habitat for Humanity	\$175
▪ Habitat for Humanity (Gift to the Homeowner)	\$300

⁵⁴ Saint Louis Crisis Nursery (n.d.). *What We Do*. Retrieved March 1, 2010, from http://www.crisisnurserykids.org/what_we_do.htm.



NEW HIRES

CLERK'S OFFICE

Christine Simpson was hired as a Court Reporter at the Eastern Division office in St. Louis, Missouri. She officially began her position on January 5, 2009.

Jessica Carter was hired as an Assistant Case Manager at the Southeastern Division office in Cape Girardeau, Missouri. She officially began her position on January 20, 2009.

Lynn Stone was hired as Administrative Support at the Eastern Division office in St. Louis, Missouri. Lynn previously served the Eastern District of Missouri as a Judicial Assistant to Retired Senior U.S. District Judge Stephen N. Limbaugh Sr. from August 15, 1983 to September 30, 2008. She officially began her new position on February 2, 2009.

Celestine Rice was hired as an Assistant Case Manager at the Eastern Division office in St. Louis, Missouri. She officially began her position on March 2, 2009.

Nathan Perjak was hired as a Help Desk Technician in the Information Systems Department at the Eastern Division office in St. Louis, Missouri. He officially began his position on June 22, 2009.

CHAMBERS

Michael Dauphin was hired as a law clerk to U.S. District Judge Henry E. Autrey. He officially began his position on June 29, 2009.

Zak Toomey was hired as a law clerk to Chief U.S. District Judge Catherine D. Perry. He officially began his position on August 10, 2009.

Diane Princ was hired as a law clerk to Chief U.S. District Judge Catherine D. Perry. She officially began her position on August 17, 2009.

Warren Williams was hired as a law clerk to U.S. District Judge Stephen N. Limbaugh Jr. He officially began his position on August 20, 2009.

Zachary Howenstine was hired as a law clerk to Senior U.S. District Judge E. Richard Webber. He officially began his position on August 31, 2009.

Will Irwin was hired as a law clerk to Senior U.S. District Judge Donald J. Stohr. He officially began his position on December 28, 2009.

RETIREMENTS/TRANSFERS

CLERK'S OFFICE

Celestine Rice transferred from the Eastern District of Missouri to the Northern District of Mississippi on November 27, 2009. She is working as a pro se writ clerk at the Aberdeen divisional office.

CHAMBERS

Maxine Tubbs began working for the Eastern District of Missouri on January 20, 1986 and retired on January 31, 2009. She spent her entire career at the court working as a Judicial Assistant to U.S. District Judge Carol E. Jackson.

Denise Woodside transferred from the Eastern District of Missouri to the Northern District of Indiana on December 28, 2009. She began working for the Eastern District of Missouri on May 30, 1989. Prior to her transfer, she had been a Law Clerk to Senior U.S. District Judge Donald J. Stohr. In the Northern District of Indiana, she will serve as a Law Clerk to Chief U.S. District Judge Philip P. Simon.



AWARDS/HONORS

SERVICE AWARDS

Each quarter the Clerk's Office recognizes court personnel with service awards. However, in special circumstances, the Clerk's Office celebrates those employees who have achieved milestones of 20, 25, or 30 years or more of service to the court. At a ceremony on October 7, 2009, the Clerk's Office acknowledged the following four employees who have served the court at least 20 years:

- Phyllis Shapiro has served the court for 25 years. She currently is the Law Clerk for U.S. Magistrate Judge Audrey G. Fleissig.
- Carrie Abrams has served the court for 20 years. She currently is an Assistant Case Manager for U.S. District Judge Jean C. Hamilton, U.S. District Judge Henry E. Autrey, and U.S. Magistrate Judge Audrey G. Fleissig.
- Anne Maloney has served the court for 20 years. She currently is the Law Clerk for U.S. Magistrate Judge Thomas C. Mummert.
- Lori Rife has served the court for 20 years. She currently is the CM/ECF Administrator.

For the occasion, U.S. Magistrate Judge Thomas C. Mummert presided over the ceremony and spoke of the qualities inherent to each recipient. Judge Mummert thanked the employees for their great service to the court and the public. Each recipient serves as an inspiration to their court colleagues.

JURY UNIT AWARD

On April 29, 2009, the district court celebrated the exceptional performance of the jury clerks. Jury management is a complex job that requires jury clerks to understand how to summon and qualify a sufficient number of prospective jurors from which to select juries; how to ensure the jury pool is a representative sample of the community; how to effectively utilize jurors' time; how to maximize technology to increase efficiency and convenience; and how to treat and accommodate jurors. The successful completion of these tasks confers public legitimacy, confidence, and trust in the administration of justice.

The Eastern District of Missouri can proudly say that the elements of good jury management are met and

exceeded on a daily basis. Most prominently, the jury unit closely monitors the effectiveness of its juror utilization practices. Effective juror utilization, as defined by the Judicial Conference, is thirty percent or less of jurors not selected, serving, or challenged on their first day of service (NSSC). Since adopting its juror utilization policy in 1993, the court has traditionally performed better than both the national average and the Judicial Conference goal. Most recently, the court has been in the top echelon of juror utilization. For the twelve months ended June 30, 2008, only 22.2 percent of jurors reporting for duty in the Eastern District of Missouri were NSSC after the first day of service. With this percentage, the court ranked second in the Eighth Circuit, second among courts with six or more active Article III Judges, and tenth out of ninety-four district courts.

Although the jury clerks alone do not define the jury experience, they play a significant role in not only forming public perception, but ensuring effective juror management. Chris Poett, Deneen LaNasa, Burma Wilkins, and Frances Hearing were presented Certificates of Achievement by Chief U.S. District Judge Carol E. Jackson in recognition of their exceptional service.



From Left to Right: Chief U.S. District Judge Carol E. Jackson, Burma Wilkins, Frances Hearing, Deneen LaNasa, Chris Poett, and Clerk of Court Jim Woodward

MEMORIALS

JUDGE WILLIAM L. HUNGATE

On April 3, 2009, the Eastern District of Missouri held a memorial ceremony for the late Retired U.S. District Judge William L. Hungate. Chief U.S. District Judge Carol E. Jackson presided over the ceremony. The master of ceremonies was Richard Cooper who introduced speakers John Briscoe, Marion Ross, Scott Clarkson, Don Wolff, and Senior U.S. District Judge Edward L. Filippine. The individuals chosen to speak at the ceremony represented Judge Hungate's friends and



colleagues. The Hungate family was in attendance for this special ceremony.

Judge William L. Hungate was born on December 14, 1922 in Benton, Illinois. Judge Hungate earned an A.B. from the University of Missouri in 1943. He married his high school sweetheart, Dorothy Nell Wilson, on April 13, 1944. Judge Hungate served in the United States Army from 1943 until 1946, where he achieved the rank of Private First Class (PFC) and received the Combat Infantryman Badge, three Battle Stars, and the Bronze Star. Following the war, he attended Harvard Law School and received his LL.B. in 1948. From law school, Judge Hungate went into private practice in Troy, Missouri from 1948 until 1964. From 1964 to 1977, Judge Hungate served as a U.S. Representative for Missouri's Ninth Congressional District. As a U.S. Representative, among other achievements, he directed the major task of writing the first codified Rules of Evidence for federal courts and presented Article II in the impeachment inquiry leading to President Richard M. Nixon's resignation.



Judge Hungate left Congress in 1977 to return to private practice in St. Louis. After two years, he was nominated for appointment to an Article III judgeship by President Jimmy Carter. Shortly after his confirmation in 1979, Judge Hungate presided over the landmark case *Liddell v. St. Louis Board of Education*. Judge Hungate assumed senior status on October 1, 1991 and retired from the federal bench on June 30, 1992.

JUDGE JOHN F. NANGLE

On November 6, 2009, the Eastern District of Missouri held a memorial ceremony for the late Senior U.S. District Judge John F. Nangle. Chief U.S. District Judge Catherine D. Perry presided over the ceremony. The master of ceremonies was U.S. Magistrate Judge David D. Noce who introduced speakers Retired Senior U.S. District Judge Stephen N. Limbaugh Sr., Judge William Moore, Steven Holtshouser, David Harlan, and

James Gunn. The speakers at the ceremony were friends and colleagues of Judge Nangle. The Nangle family was in attendance for the event.



Retired Senior U.S. District Judge Stephen N. Limbaugh speaking at Judge Nangle's Memorial.

Judge John F. Nangle was born on June 8, 1922 in St. Louis, Missouri. He received his A.A. from Harris Teachers College in 1941 (what is now Harris-Stowe State University) and his B.S. from the University of Missouri-Columbia in 1943. Before attending law school, Judge Nangle enlisted in the U.S. Army and served over three years active duty during World War II, achieving the rank of First Sergeant. Immediately thereafter, he served in the Army Reserve for 14 years retiring as a Captain, J.A.G.C. Following the war, Judge Nangle completed his J.D. from Washington University School of Law in St. Louis in 1948. From law school, Judge Nangle worked in private practice in the St. Louis area from 1948 to 1973. During this period, he became involved in the Republican Party. From 1958 to 1973, he was a member of the Missouri Republican Committee. In 1970, he was awarded Missouri Republican of the Year.

On June 13, 1973, President Richard M. Nixon nominated him for appointment to an Article III judgeship for the Eastern District of Missouri. He received his commission in July 1973. From 1983 to 1990, Judge Nangle served the Eastern District of Missouri as Chief Judge. In 1990, Judge Nangle was appointed Chair of the Judicial Panel on Multidistrict Litigation and served in that role until 2000. On May 10, 1990, Judge Nangle assumed senior status. In 1991, he was designated to perform judicial duties in the U.S. District Court for the Southern District of Georgia in the Eleventh Circuit. During his thirty-five years on the federal bench, Judge Nangle presided over many important cases. One of the most prominent came in 1985 when he held that a school district did not violate the First Amendment when it prohibited student newspaper articles discussing pregnancy and divorce. Judge Nangle found that the school district's action was justified by its concern for the privacy of unnamed pregnant students.



IN MEMORIAM

MRS. PEGGY WEBBER

Mary Margaret “Peggy” Webber was born December 16, 1945 and passed away at her home in St. Louis, Missouri on August 17, 2009, following a lengthy battle against metastatic breast cancer.

She is survived by her husband, Senior U.S. District Judge, E. Richard Webber; two daughters, Erin Webber, an attorney in Denver, CO, her husband, Brian Allensworth, and their son Grayson, Dr. Nicki Moore, Assistant Athletic Director at the University of Oklahoma, her husband, Dr. Bill Moore, and their son Ian.

Peggy was a vital part of the court family and an active participant in many court events. Her faith and determination in the face of adversity was an inspiration to those around her. Her legacy will continue on through those she touched.

Photo Credits:

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Appendix A

2009 Juror Usage Report													
January 1 – December 31 Reporting Period													
District	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009	Oct 2009	Nov 2009	Dec 2009	Totals
Juror Usage in District													
Civil Juries*	3	2	4	4	3	1	2	3	4	2	4	5	37
Criminal Juries*	1	2	2	1	4	4	1	1	1	3	1	1	22
Total Number of Jurors	87	186	158	161	189	178	121	134	155	158	149	178	1854
Selected Jurors	36	42	56	44	77	63	28	34	43	56	46	52	577
Challenged Jurors	44	71	85	71	100	103	35	57	67	94	75	73	875
Jurors who participated in voir dire [excess jurors]	7	33	17	29	12	11	26	8	25	7	25	13	213
Jurors who did not participate in voir dire	0	40	0	17	0	1	32	35	20	1	3	40	189
Juror Usage Statistics in District													
Jurors not selected or challenged who participated in voir dire	8.0%	17.7%	10.8%	18.0%	6.3%	6.2%	21.5%	6.0%	16.1%	4.4%	16.8%	7.3%	11.5%
Jurors not selected or challenged who did not participate in voir dire	0.0%	21.5%	0.0%	10.6%	0.0%	0.6%	26.4%	26.1%	12.9%	0.6%	2.0%	22.5%	10.2%
Jurors who participated in voir dire	100.0%	78.5%	100.0%	89.4%	100.0%	99.4%	73.6%	73.9%	87.1%	99.4%	98.0%	77.5%	89.8%
Juror Utilization	8.0%	39.2%	10.8%	28.6%	6.3%	6.7%	47.9%	32.1%	29.0%	5.1%	18.8%	29.8%	21.7%

*These monthly jury figures do not include bench trials in the totals.



Appendix B

New Case Filings ¹ 2007-2009 (January 1 – December 31)					
Division/Case Type	2007	07-08 Percent Change	2008	08-09 Percent Change	2009
<i>Percentages are rounded to the nearest tenth</i>					
Civil Cases²					
Eastern Civil Cases	2116	-3.9%	2033	4.6%	2126
Southeastern Civil Cases	184	-2.7%	179	1.7%	182
Northern Civil Cases	58	19.0%	69	-4.3%	66
Total Civil Cases	2358	-3.3%	2281	4.1%	2374
Criminal Cases³					
Eastern Criminal Cases	714	-1.5%	703	4.6%	735
▪ <i>Felony Cases</i>	674	-3.4%	651	8.3%	705
▪ <i>Misdemeanor Cases</i>	40	30.0%	52	-42.3%	30
Southeastern Criminal Cases	182	-7.7%	168	2.4%	172
▪ <i>Felony Cases</i>	132	-15.9%	111	13.5%	126
▪ <i>Misdemeanor Cases</i>	50	14.0%	57	-19.3%	46
Total Criminal Cases	896	-2.8%	871	4.1%	907
Criminal Defendants					
Eastern Criminal Defendants	972	3.3%	1004	2.4%	1028
▪ <i>Felony Defendants</i>	932	2.1%	952	4.8%	998
▪ <i>Misdemeanor Defendants</i>	40	30.0%	52	-42.3%	30
Southeastern Criminal Defendants	192	-4.7%	183	8.7%	199
▪ <i>Felony Defendants</i>	142	-11.3%	126	18.3%	149
▪ <i>Misdemeanor Defendants</i>	50	14.0%	57	-12.3%	50
Total Criminal Defendants	1164	2.0%	1187	3.4%	1227
Miscellaneous Cases⁴					
Eastern Miscellaneous Cases	619	10.3%	683	1.0%	690
Southeastern Miscellaneous Cases	43	-46.5%	23	91.3%	44
Total Miscellaneous Cases	662	6.6%	706	4.0%	734
Total New Case Filings⁵	3916	-1.5%	3858	4.1%	4015

1 – New case filings do not include civil or criminal reopened cases.

2 – Civil case filings include sealed civil cases and Multidistrict Litigation (MDL) transfer cases.

3 – Criminal case filings include sealed criminal cases and exclude probation/supervised release transfers.

4 – Miscellaneous case filings include sealed miscellaneous cases.

5 – Total case filings comprise of civil, criminal, and miscellaneous case filings.



Appendix C

2009 Monthly Caseload Report													
	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009	Oct 2009	Nov 2009	Dec 2009	2009
CIVIL CASES													
Cases Filed ¹	190	165	200	185	192	206	209	196	262	202	173	194	2374
Cases Reopened	1	1	6	6	3	3	2	4	5	6	1	3	41
Cases Closed	171	184	245	202	165	190	183	173	228	179	131	149	2200
Current Cases Pending	2171	2154	2114	2099	2129	2147	2174	2202	2239	2267	2310	2358	2358
Average Age of Pending Cases ³ (mths)	13.3	13.4	13.3	13.7	13.9	14.0	14.1	14.1	13.9	14.2	13.8	14.0	14.0
Filed/Closed Ratio	1.12	0.90	0.84	0.95	1.18	1.10	1.15	1.16	1.17	1.16	1.33	1.32	1.10
Mean Disp. Time (mths)	8.8	8.4	11.0	9.3	9.0	9.7	8.5	9.7	12.6	8.9	9.0	9.6	9.7
Mean Disposition Time [5% trimmed ⁴]	7.9	7.3	10.0	8.5	8.1	8.5	7.0	8.7	11.8	7.3	8.3	8.5	8.6
Median Disposition Time	5.4	5.4	8.7	6.8	5.8	6.9	4.3	6.9	10.0	4.3	6.3	6.6	6.4
CRIMINAL CASES													
Total Cases Filed ²	113	91	74	101	75	46	68	79	62	66	61	71	907
▪ <i>Felony Cases Filed</i>	106	71	74	85	64	46	68	78	51	66	52	70	831
▪ <i>Misdemeanor Cases Filed</i>	7	20	0	16	11	0	0	1	11	0	9	1	76
Cases Closed	75	89	77	79	75	88	108	81	101	97	74	77	1021
Current Cases Pending	698	713	706	735	749	715	681	689	671	657	658	666	666
Average Age of Pending Cases ³ (mths)	6.9	6.8	6.4	6.3	6.5	7.2	7.5	6.9	8.2	8.5	6.9	8.5	8.5
Filed/Closed Ratio	1.51	1.02	0.96	1.28	1.00	0.52	0.63	0.98	0.61	0.68	0.82	0.92	0.89
Defendants Filed	147	109	119	117	106	60	123	95	82	83	71	115	1227
▪ <i>Felony Defs Filed</i>	140	89	119	101	95	60	123	94	71	83	58	114	1147
▪ <i>Misdemeanor Defs Filed</i>	7	20	0	16	11	0	0	1	11	0	13	1	80
Defendants Closed ⁵	100	103	85	87	89	105	117	93	119	113	90	91	1192
Defendants Pending	948	954	983	1013	1030	983	989	991	956	928	909	933	933
Defis Filed/Closed Ratio	1.47	1.06	1.40	1.34	1.19	0.57	1.05	1.02	0.69	0.73	0.79	1.26	1.03
Mean Disp. Time (mths)	7.8	8.7	8.0	8.9	9.0	8.2	7.2	8.0	9.1	7.6	11.4	11.0	8.7
Mean Disposition Time [5% trimmed ⁴]	7.6	7.7	7.1	8.4	7.5	7.4	6.8	7.7	7.8	7.1	10.1	9.3	7.7
Median Disposition Time	7.1	7.1	7.0	8.0	6.7	6.7	5.9	6.8	6.8	6.7	8.4	7.4	7.0

1 – Civil case filings include sealed civil cases and Multidistrict Litigation (MDL) transfer cases.

2 – Criminal case filings include sealed criminal cases.

3 – Count begins with the case filing date. The count excludes (1) reopened cases; (2) cases pending 60 days or less; and (3) cases in unassigned.

4 – 5% trimmed mean excludes the lowest and highest 2.5% of disposition times from the calculation of the mean.

5 – Defendants whose probation/supervised release were revoked during the reporting period are not included in the closed defendants' totals.



Appendix D

2008-2009 Monthly Caseload Percentage Change													
<i>Percentages are rounded to the nearest tenth</i>	Jan 08-09	Feb 08-09	Mar 08-09	Apr 08-09	May 08-09	Jun 08-09	Jul 08-09	Aug 08-09	Sep 08-09	Oct 08-09	Nov 08-09	Dec 08-09	08-09
CIVIL CASES													
Cases Filed ¹	2.2%	13.8%	17.6%	-7.0%	-1.5%	11.4%	6.1%	-4.4%	19.6%	3.6%	0.6%	-8.9%	4.1%
Cases Reopened	-75.0%	-88.9%	20.0%	20.0%	200.0%	-50.0%	-66.7%	nc	-64.3%	-14.3%	-66.7%	50.0%	-37.9%
Cases Closed	-9.5%	3.4%	18.9%	16.8%	-8.3%	nc	4.6%	-1.7%	-2.6%	1.1%	0.8%	-2.0%	1.9%
Cases Pending	9.5%	10.1%	9.7%	7.3%	7.8%	8.9%	9.0%	8.8%	10.8%	11.0%	10.7%	9.7%	9.7%
Avg. Age Pending ³	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Filed/Closed Ratio	10.9%	3.4%	-1.2%	-19.5%	8.3%	8.9%	-0.9%	-2.5%	17.0%	1.8%	-1.5%	-6.4%	1.0%
Mean Disposition	-6.4%	-27.0%	-9.8%	5.7%	8.4%	14.1%	-11.5%	5.4%	12.5%	9.9%	nc	20.0%	1.0%
Mean Disposition [5% trimmed ⁴]	-4.8%	-29.1%	-9.9%	11.8%	14.1%	13.3%	-10.3%	11.5%	14.6%	1.4%	1.2%	18.1%	2.4%
Median Disposition	-12.9%	-38.6%	-15.5%	36.0%	18.4%	40.8%	-28.3%	38.0%	-6.5%	-10.4%	10.5%	57.1%	4.9%
CRIMINAL CASES													
Total Cases Filed ²	32.9%	2.2%	15.6%	65.6%	-16.7%	-47.1%	7.9%	25.4%	17.0%	8.2%	-15.3%	-14.5%	4.1%
▪ <i>Felony Cases</i>	41.3%	-4.1%	89.7%	39.3%	-19.0%	-31.3%	19.3%	25.8%	-1.9%	8.2%	-8.8%	-10.3%	9.1%
▪ <i>Misdemeanor Cases</i>	-30.0%	33.3%	-100.0%	ns	nc	ns	-100.0%	nc	ns	nc	-40.0%	-80.0%	-30.3%
Cases Closed	-12.8%	3.5%	20.3%	-22.5%	-16.7%	14.3%	25.6%	-12.0%	16.1%	-6.7%	-1.3%	16.7%	0.6%
Cases Pending	7.7%	8.0%	5.2%	13.8%	14.5%	5.6%	2.3%	5.7%	6.2%	8.1%	6.8%	2.8%	2.8%
Avg. Age Pending ³	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Filed/Closed Ratio	52.5%	-1.0%	-4.0%	113.3%	nc	-54.0%	-13.7%	44.1%	nc	15.3%	-14.6%	-27.0%	3.5%
Defendants Filed	21.5%	-12.1%	45.1%	42.7%	3.9%	-62.5%	24.2%	14.5%	17.1%	nc	-7.8%	10.6%	3.4%
▪ <i>Felony Defs</i>	26.1%	-18.3%	108.8%	23.2%	4.4%	-57.1%	32.3%	14.6%	2.9%	nc	-6.5%	15.2%	6.4%
▪ <i>Misdemeanor Defs</i>	-30.0%	33.3%	-100.0%	ns	nc	ns	-100.0%	nc	ns	nc	-13.3%	-80.0%	-26.6%
Defendants Closed	-2.9%	8.4%	16.4%	-17.1%	-16.0%	1.9%	18.2%	-13.1%	9.2%	-15.0%	5.9%	1.1%	-1.3%
Defendants Pending	1.4%	-1.1%	-0.4%	5.0%	7.6%	-3.0%	-2.3%	0.3%	0.7%	3.2%	2.2%	3.4%	3.4%
Defendants Filed/Closed Ratio	25.6%	-19.1%	25.0%	71.8%	24.0%	-63.2%	5.0%	30.8%	7.8%	17.7%	-13.2%	8.6%	4.8%
Mean Disposition	-8.2%	20.8%	15.9%	27.1%	-1.1%	2.5%	-39.0%	1.3%	11.0%	-13.6%	39.0%	57.1%	4.8%
Mean Disposition [5% trimmed ⁴]	7.0%	13.2%	12.7%	31.3%	-5.1%	1.4%	3.0%	2.7%	nc	-14.5%	27.8%	47.6%	5.5%
Median Disposition	20.3%	18.3%	22.8%	40.4%	-4.3%	4.7%	1.7%	-1.4%	-6.8%	-16.3%	18.3%	23.3%	9.4%

nc = No change in civil or criminal numbers, ns = Percent change not significant.

1 – Civil case filings include sealed civil cases and Multidistrict Litigation (MDL) transfer cases.

2 – Criminal case filings include sealed criminal cases.

3 – Count begins with the case filing date. The count excludes (1) reopened cases; (2) cases pending 60 days or less; and (3) cases in unassigned.

4 – 5% trimmed mean excludes the lowest and highest 2.5% of disposition times from the calculation of the mean.



Appendix E

2009 Monthly Civil Case Filings by Type														
[Numbers are displayed as Filed/Reopened; i.e. 27/1 - 27 filed/1 reopened]														
	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009	Oct 2009	Nov 2009	Dec 2009	2009	
1. Contracts	25	24	19/1	32/1	9	16/1	14	19/1	25/1	29/1	30	20	262/6	
2. Real Property	2	0	2	2	1	0	1	7	5	2	2	2	26	
3. Total Torts	22	28	48/1	30/1	40	35	26	34/1	121	30/1	28	38	480/4	
Torts	a. <i>Personal Injury</i>	17	27	43	29/1	39	32	20	32	56	19/1	27	35	376/2
	b. <i>Personal Property</i>	5	1	5/1	1	1	3	6	2/1	65	11	1	3	104/2
4. Civil Rights	19/1	14	27/2	27	28/1	18	22/1	22	23/1	34/1	18	33	285/7	
5. Total Prisoner Petitions	36	46/1	50	33/2	48/1	53/1	61	49	33/2	34/2	34/1	35	512/10	
Habeas Corpus	a. <i>Prisoner Petitions (§2255)</i>	5	16	8	4	10	12	14	7	4	6	5	9	100
	b. <i>General (§2254)</i>	13	6	20	10	14/1	12/1	12	13	11/1	11/2	13/1	11	146/6
	c. <i>Death Penalty (§2254)</i>	0	0	0	0	0	0	0	0	0	0	0	0	0
	d. <i>Mandamus & Other</i>	0	1	0	2	1	0	2	1	0	0	0	0	7
	e. <i>Civil Rights</i>	17	22/1	20	17/2	23	28	33	27	16/1	16	16	13	248/4
	f. <i>Prison Condition</i>	1	1	2	0	0	1	0	1	2	1	0	2	11
6. Forfeiture/Penalty	0	2	3	2	5/1	8	6	4	3	6	3	7	49/1	
7. Labor	38	15	29/1	20/2	16	26	28	17	8	22	9	17/1	245/4	
8. Immigration	0	0	0	2	0	1	0	1	1	0	1	0	6	
9. Intellectual Property Rights	5	8	6/1	7	8	3	6	4	9	8	5	11/2	80/3	
10. Social Security	11	9	6	9	17	33/1	28	20/1	23/1	28	24	13	221/3	
11. Federal Tax Suits	2	0	1	1	2	1	1	0	1	2	1	0	12	
12. Bankruptcy	0	0	0	0	1	0	0	0	1	2/1	0	2	6/1	
13. Other Statutes	31	20	15	26	20	15	18/1	23/1	14	11	19	19	231/2	
Total Civil Case Filings	191/1	166/1	206/6	191/6	195/3	209/3	211/2	200/4	267/5	208/6	174/1	197/3	2415/41	

Civil case filings by type include: (1) Sealed Civil Cases; (2) Multidistrict Litigation (MDL) transfer cases; and (3) Reopened Cases
The first term in the ratio includes both new and reopened civil filings. The second term only reflects the number of reopened cases.
ns = Percentage change not significant (there must be at least 10 cases in one month for comparison)
nc = No change in civil case filings



Appendix F

2008-2009 Monthly Percentage Change in Civil Case Filings by Type														
Percentages are rounded to the nearest tenth		Jan 08-09	Feb 08-09	Mar 08-09	Apr 08-09	May 08-09	Jun 08-09	Jul 08-09	Aug 08-09	Sep 08-09	Oct 08-09	Nov 08-09	Dec 08-09	08-09
1. Contracts		-26.5%	71.4%	-9.5%	-13.5%	-70.0%	-46.7%	-36.4%	-26.9%	-32.4%	-27.5%	57.9%	-23.1%	-22.0%
2. Real Property		ns	ns	ns	ns	nc	ns	ns	ns	ns	ns	ns	ns	18.2%
3. Total Torts		-15.4%	nc	118.2%	20.0%	66.7%	-16.7%	-10.3%	-47.7%	181.4%	7.1%	-51.7%	-30.9%	7.9%
Torts	a. Personal Injury	-22.7%	35.0%	126.3%	31.8%	95.0%	6.7%	-25.9%	18.5%	36.6%	-13.6%	-51.8%	-34.0%	4.7%
	b. Personal Property	ns	ns	ns	ns	ns	-75.0%	ns	-94.7%	3150.0%	83.3%	ns	ns	20.9%
4. Civil Rights		-13.6%	-33.3%	-3.6%	-6.9%	-6.7%	-14.3%	-29.0%	-4.3%	-34.3%	47.8%	-21.7%	26.9%	-8.7%
5. Total Prisoner Petitions		-20.0%	155.6%	42.9%	-21.4%	9.1%	35.9%	38.6%	16.7%	-31.3%	-12.8%	nc	-12.5%	8.9%
Habeas Corpus	a. Prisoner Petitions (§2255)	-50.0%	433.3%	ns	ns	25.0%	20.0%	100.0%	ns	ns	nc	ns	ns	17.6%
	b. General (§2254)	-7.1%	-45.5%	66.7%	11.1%	-26.3%	-25.0%	-33.3%	-7.1%	-47.6%	-21.4%	8.3%	-21.4%	-16.1%
	c. Death Penalty (§2254)	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	-100.0%
	d. Mandamus & Other	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	-22.2%
	e. Civil Rights	-10.5%	450.0%	nc	-22.7%	76.9%	154.5%	120.0%	58.8%	-15.8%	-5.9%	23.1%	-23.5%	32.6%
	f. Prison Condition	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	-21.4%
6. Forfeiture/Penalty		ns	ns	ns	ns	ns	ns	ns	nc	ns	ns	ns	ns	-5.8%
7. Labor		137.5%	-34.8%	93.3%	-25.9%	-30.4%	62.5%	33.3%	nc	-75.0%	-18.5%	-30.8%	nc	-0.8%
8. Immigration		ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	0.0%
9. Intellectual Property Rights		-72.2%	ns	-60.0%	ns	nc	ns	ns	ns	ns	-20.0%	ns	83.3%	-23.1%
10. Social Security		nc	-57.1%	-60.0%	-52.6%	13.3%	153.8%	27.3%	33.3%	21.1%	115.4%	100.0%	-18.8%	15.7%
11. Federal Tax Suits		ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	ns	100.0%
12. Bankruptcy		ns	ns	ns	ns	nc	ns	ns	ns	ns	ns	ns	ns	0.0%
13. Other Statutes		210.0%	53.8%	7.1%	188.9%	25.0%	66.7%	5.9%	187.5%	40.0%	-21.4%	137.5%	35.7%	62.7%
Total Civil Case Filings		2.1%	9.2%	18.4%	-5.9%	-0.5%	10.0%	5.0%	-3.4%	14.6%	3.0%	-0.6%	-7.5%	3.5%

Civil case filings include: (1) Sealed Civil Cases; (2) Multidistrict Litigation (MDL) transfer cases; and (3) Reopened Cases
The first term in the ratio includes both new and reopened civil filings. The second term only reflects the number of reopened cases.
ns = Percentage change not significant (there must be at least 10 cases in one month for comparison), nc = No change in civil case filings

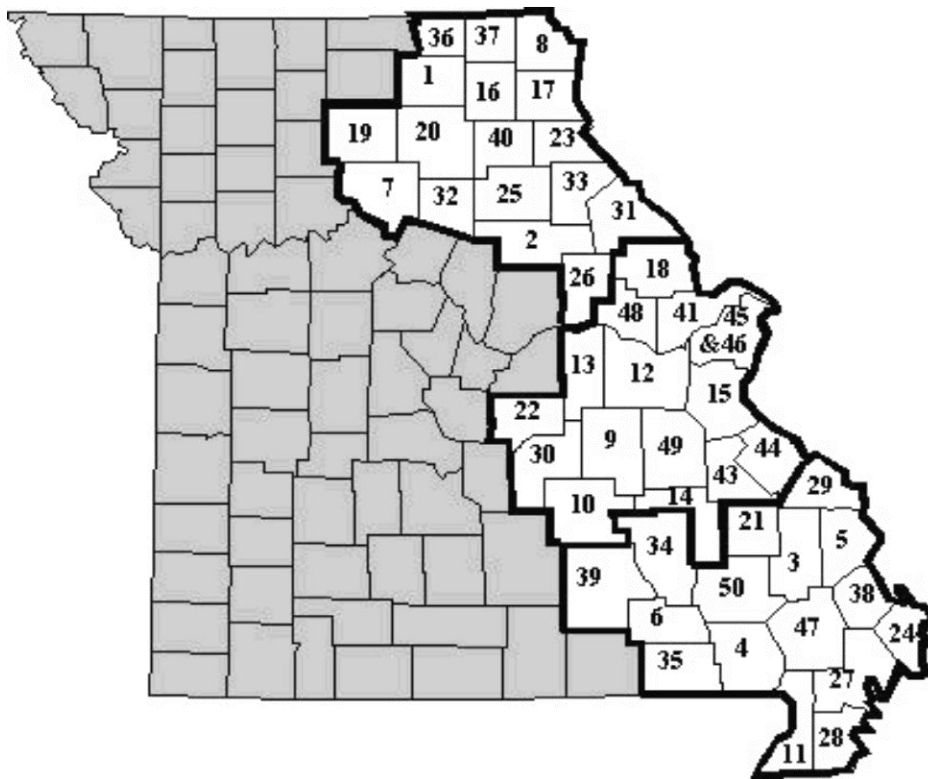


Appendix G

United States District Court – Eastern District of Missouri 2009 Monthly Trial Starts and Completions													
	Jan 2009	Feb 2009	Mar 2009	Apr 2009	May 2009	Jun 2009	Jul 2009	Aug 2009	Sep 2009	Oct 2009	Nov 2009	Dec 2009	Total
Civil Trial Starts													
Jury Trial Starts	3	2	4	5	3	1	2	3	4	2	4	5	38
Bench Trial Starts	1	2	2	1	1	0	1	3	0	1	0	0	12
Total	4	4	6	6	4	1	3	6	4	3	4	5	50
Civil Trials Completed													
Jury Trials Completed	3	1	3	4	3	0	2	4	4	2	3	6	35
Bench Trials Completed	1	2	2	1	1	0	1	2	1	1	0	0	12
Total	4	3	5	5	4	0	3	6	5	3	3	6	47
Criminal Trial Starts													
Jury Trial Starts	1	2	2	1	4	4	1	0	2	3	1	1	22
Bench Trial Starts	1	0	1	0	0	0	0	0	0	0	0	0	2
Total	2	2	3	1	4	4	1	0	2	3	1	1	24
Criminal Trials Completed													
Jury Trials Completed	1	2	2	1	4	2	2	0	2	2	1	1	20
Bench Trials Completed	0	0	1	0	0	0	0	0	0	0	0	0	1
Total	1	2	3	1	4	2	2	0	2	2	1	1	21
Trial Start Totals													
Jury Trial Starts	4	4	6	6	7	5	3	3	6	5	5	6	60
Bench Trial Starts	2	2	3	1	1	0	1	3	0	1	0	0	14
Total	6	6	9	7	8	5	4	6	6	6	5	6	74
Total Trials Completed													
Jury Trials Completed	4	3	5	5	7	2	4	4	6	4	4	7	55
Bench Trials Completed	1	2	3	1	1	0	1	2	1	1	0	0	13
Total	5	5	8	6	8	2	5	6	7	5	4	7	68



Appendix H
U.S. District Court – Eastern District of Missouri Jurisdiction



COUNTIES BY DIVISION		
EASTERN DIVISION	NORTHERN DIVISION	SOUTHEASTERN DIVISION
9. Crawford	1. Adair	3. Bollinger
10. Dent	2. Audrain	4. Butler
12. Franklin	7. Chariton	5. Cape Girardeau
13. Gasconade	8. Clark	6. Carter
14. Iron	16. Knox	11. Dunklin
15. Jefferson	17. Lewis	21. Madison
18. Lincoln	19. Linn	24. Mississippi
22. Maries	20. Macon	27. New Madrid
30. Phelps	23. Marion	28. Pemiscot
41. St. Charles	25. Monroe	29. Perry
43. St. Francois	26. Montgomery	34. Reynolds
44. Ste. Genevieve	31. Pike	35. Ripley
45. St. Louis County	32. Randolph	38. Scott
46. St. Louis City	33. Ralls	39. Shannon
48. Warren	36. Schuyler	47. Stoddard
49. Washington	37. Scotland	50. Wayne
	40. Shelby	



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UNITED STATES DISTRICT COURT – EASTERN DISTRICT OF MISSOURI
THOMAS F. EAGLETON COURTHOUSE
111 S. 10TH STREET, SUITE 3.300
ST. LOUIS, MISSOURI 63102
(314) 244-7900

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